

not readily available in the ordinary channels of commercial trade. The term **"antique rifle"** means a firearm conforming to the definition of an **"antique firearm"** in Section 179.11 of Title 27 of the Code of Federal Regulations.

(4) Any rocket, rocket-propelled projectile, or similar device of a diameter greater than 0.60 inch, or any launching device therefor, and any rocket, rocket-propelled projectile, or similar device containing any explosive or incendiary material or any other chemical substance, other than the propellant for such device, except such devices as are designed primarily for emergency or distress signaling purposes.

(5) Any breakable container which contains a flammable liquid with a flashpoint of 150 degrees Fahrenheit or less and has a wick or similar device capable of being ignited, other than a device which is commercially manufactured primarily for the purpose of illumination.

(6) Any sealed device containing dry ice (CO<sub>2</sub>) or other chemically reactive substances assembled for the purpose of causing an explosion by a chemical reaction.

(b) The term **"explosive,"** as used in this chapter, shall mean any explosive defined in Section 12000 of the Health and Safety Code.

**12302. Sale to or purchase or possession by law enforcement officers, military personnel, or firefighters.** Nothing in this chapter shall prohibit the sale to, purchase by, or possession, transportation, storage, or use of, destructive devices or explosives by:

(a) Any peace officer listed in Section 830.1 or 830.2, or any peace officer in the Department of Justice authorized by the Attorney General, while on duty and acting within the scope and course of his or her employment.

(b) Any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his or her employment.

Nothing in this chapter prohibits the sale to, or the purchase, possession, transportation, storage, or use by any person who is a regularly employed and paid officer, employee, or member of a fire department or fire protection or fire-fighting agency of the federal government, the State of California, a city, county, city and county, district, or other public or municipal corporation or political subdivision of this state, while on duty and acting within the scope and course of his or her employment, of any equipment used by that department or agency in the course of fire suppression.

**12303. Possession of destructive device; Punishment.** Any person, firm, or corporation who, within this state, possesses any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed one year, or in state prison, or by a fine not to exceed ten thousand dollars (\$10,000) or by both such fine and imprisonment.

**12303.6. Sale or transportation of destructive device; Punishment.** Any person, firm, or corporation who, within this state, sells, offers for sale, or knowingly transports any destructive device, other than fixed ammunition of a caliber greater than .60 caliber, except as provided by this chapter, is guilty of a felony and is punishable by imprisonment in the state prison for two, three or four years.

**12304. Sale, possession, or transportation or fixed ammunition; Punishment; Subsequent conviction.** Any person, firm or corporation who, within this state, sells, offers for sale,

possesses or knowingly transports any fixed ammunition of a caliber greater than .60 caliber, except as provided in this chapter, is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the county jail for a term not to exceed six months or by a fine not to exceed one thousand dollars (\$1,000), or by both such fine and imprisonment.

A second or subsequent conviction shall be punished by imprisonment in the county jail for a term not to exceed one year, or by imprisonment in the state prison, or by a fine not to exceed three thousand dollars (\$3,000), or by both such fine and imprisonment.

**12305. Permit for manufacture, sale or use of destructive device; Application; Fee; Renewal.**

(a) Every dealer, manufacturer, importer, and exporter of any destructive device, or any motion picture or television studio using destructive devices in the conduct of its business, shall obtain a permit for the conduct of that business from the Department of Justice.

(b) Any person, firm, or corporation not mentioned in subdivision (a) shall obtain a permit from the Department of Justice in order to possess or transport any destructive device. No permit shall be issued to any person who meets any of the following criteria:

(1) Has been convicted of any felony.

(2) Is addicted to the use of any narcotic drug.

(3) Is a person in a class prohibited by Section 8100 or 8103 of the Welfare and Institutions Code or Section 12021 or 12021.1 of this code.

(c) Applications for permits shall be filed in writing, signed by the applicant if an individual, or by a member or officer qualified to sign if the applicant is a firm or corporation, and shall state the name, business in which engaged, business address and a full description of the use to which the destructive devices are to be put.

(d) Applications and permits shall be uniform throughout the state on forms prescribed by the Department of Justice.

(e) Each applicant for a permit shall pay at the time of filing his or her application a fee not to exceed the application processing costs of the Department of Justice. A permit granted pursuant to this article may be renewed one year from the date of issuance, and annually thereafter, upon the filing of a renewal application and the payment of a permit renewal fee not to exceed the application processing costs of the Department of Justice. After the department establishes fees sufficient in amount to cover processing costs, the amount of the fees shall only increase at a rate not to exceed the legislatively approved cost-of-living adjustment for the department.

**12307. Nuisances; Injunction; Destruction of device.** The possession of any destructive device in violation of this chapter shall be deemed to be a public nuisance and the Attorney General or district attorney of any city, county, or city and county may bring an action before the superior court to enjoin the possession of any such destructive device.

Any such destructive device found to be in violation of this chapter shall be surrendered to the Department of Justice, and the department shall destroy such destructive device so as to render it unusable and unrepairable as a destructive device, except upon the filing of a certificate with the department by a judge or district attorney stating that the preservation of such destructive device is necessary to serve the ends of justice.

**12312. Possession of materials with intent to make destructive device or explosive;**

**Punishment.** Every person who possesses any substance, material, or any combination of substances or materials, with the intent to make any destructive device or any explosive without first obtaining a valid permit to make such destructive device or explosive, is guilty of a felony, and is punishable by imprisonment in the state prison for two, three, or four years.

**12316. Sale of ammunition to minor or person under twenty-one; Ownership or possession of ammunition by person prohibited from having firearm; Carrying of ammunition onto school grounds.**

(a)(1) Any person, corporation, or dealer who does either of the following shall be punished by imprisonment in a county jail for a term not to exceed six months, or by a fine not to exceed one thousand dollars (\$1,000), or by both the imprisonment and fine:

(A) Sells any ammunition or reloaded ammunition to a person knowing that person to be under 18 years of age.

(B) Sells any ammunition or reloaded ammunition designed and intended for use in a pistol, revolver, or other firearm capable of being concealed upon the person to a person knowing that person to be under 21 years of age. As used in this subparagraph, "ammunition" means handgun ammunition as defined in subdivision (a) of Section 12323. Where ammunition or reloaded ammunition may be used in both a rifle and a handgun, federal law shall be considered for purposes of enforcing this subparagraph.

(2) Proof that a person, corporation, or dealer, or his or her agent or employee, demanded, was shown, and acted in reliance upon, bona fide evidence of majority and identity shall be a defense to any criminal prosecution under this subdivision. As used in this subdivision, "bona fide evidence of majority and identity" means a document issued by a federal, state, county, or municipal government, or subdivision or agency thereof, including, but not limited to, a motor vehicle operator's license, California state identification card, identification card issued to a member of the armed forces, or other form of identification that bears the name, date of birth, description, and picture of the person.

(b)(1) No person prohibited from owning or possessing a firearm under Section 12021 or 12021.1 of this code or Section 8100 or 8103 of the Welfare and Institutions Code shall own, possess, or have under his or her custody or control, any ammunition or reloaded ammunition.

(2) For purposes of this subdivision, "ammunition" shall include, but not be limited to, any bullet, cartridge, magazine, clip, speed loader, autoloader, or projectile capable of being fired from a firearm with a deadly consequence.

(3) A violation of this subdivision is punishable by imprisonment in a county jail not to exceed one year or in the state prison, by a fine not to exceed one thousand dollars (\$1,000), or by both the fine and imprisonment.

(c) Unless it is with the written permission of the school district superintendent, his or her designee, or equivalent school authority, no person shall carry ammunition or reloaded ammunition onto school grounds, except sworn law enforcement officers acting within the scope of their duties or persons exempted under subparagraph (A) of paragraph (1) of subdivision (a) of Section 12027. This subdivision shall not apply to a duly appointed peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, a full-time paid peace officer of another state or the federal government who is carrying out official duties while in California, any

person summoned by any of these officers to assist in making an arrest or preserving the peace while he or she is actually engaged in assisting the officer, a member of the military forces of this state or of the United States who is engaged in the performance of his or her duties, a person holding a valid license to carry the firearm pursuant to Article 3 (commencing with Section 12050) of Chapter 1 of Title 2 of Part 4, or an armored vehicle guard, who is engaged in the performance of his or her duties, as defined in subdivision (e) of Section 7521 of the Business and Professions Code.

A violation of this subdivision is punishable by imprisonment in a county jail for a term not to exceed six months, a fine not to exceed one thousand dollars (\$1,000), or both the imprisonment and fine.

(d)(1) A violation of paragraph (1) of subdivision (b) is justifiable where all of the following conditions are met:

(A) The person found the ammunition or reloaded ammunition or took the ammunition or reloaded ammunition from a person who was committing a crime against him or her.

(B) The person possessed the ammunition or reloaded ammunition no longer than was necessary to deliver or transport the ammunition or reloaded ammunition to a law enforcement agency for that agency's disposition according to law.

(C) The person is prohibited from possessing any ammunition or reloaded ammunition solely because that person is prohibited from owning or possessing a firearm only by virtue of Section 12021.

(2) Upon the trial for violating paragraph (1) of subdivision (b), the trier of fact shall determine whether the defendant is subject to the exemption created by this subdivision.

(3) The defendant has the burden of proving by a preponderance of the evidence that he or she is subject to the exemption provided by this subdivision.

## Chapter 2.6. Ammunition

**12320. Possession; Punishment.** Any person, firm, or corporation who, within this state knowingly possesses any handgun ammunition designed primarily to penetrate metal or armor is guilty of a public offense and upon conviction thereof shall be punished by imprisonment in the state prison, or in the county jail for a term not to exceed one year, or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine and imprisonment.

**12321. Manufacture, transport or sale; Punishment.** Any person, firm, or corporation who, within this state, manufactures, imports, sells, offers to sell, or knowingly transports any handgun ammunition designed primarily to penetrate metal or armor is guilty of a felony and upon conviction thereof shall be punished by imprisonment in state prison, or by a fine not to exceed five thousand dollars (\$5,000), or by both such fine and imprisonment.

**12322. Exemptions.** Nothing in this chapter shall apply to or affect either of the following:

(a) The sale to, purchase by, possession of, or use of any ammunition by any member of the Army, Navy, Air Force, or Marine Corps of the United States, or the National Guard, while on duty and acting within the scope and course of his or her employment, or any police agency or forensic laboratory or any person who is the holder of a valid permit issued pursuant to Section 12305.

(b) The possession of handgun ammunition designed primarily to penetrate metal or armor

by a person who found the ammunition, if he or she is not prohibited from possessing firearms or ammunition pursuant to Section 12021, 12021.1, or paragraph (1) of subdivision (b) of Section 12316 of this code or Section 8100 or 8103 of the Welfare and Institutions Code and is transporting the ammunition to a law enforcement agency for disposition according to law.

**12323. Definitions.** As used in this chapter, the following definitions shall apply:

(a) **"Handgun ammunition"** means ammunition principally for use in pistols, revolvers, and other firearms capable of being concealed upon the person, as defined in subdivision (a) of Section 12001, notwithstanding that the ammunition may also be used in some rifles.

(b) **"Handgun ammunition designed primarily to penetrate metal or armor"** means any ammunition, except a shotgun shell or ammunition primarily designed for use in rifles, that is designed primarily to penetrate a body vest or body shield, and has either of the following characteristics:

(1) Has projectile or projectile core constructed entirely, excluding the presence of traces of other substances, from one or a combination of tungsten alloys, steel, iron, brass, beryllium copper, or depleted uranium, or any equivalent material of similar density or hardness.

(2) Is primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating applied thereto, including, but not limited to, ammunition commonly known as **"KTW ammunition,"** to breach or penetrate a body vest or body shield when fired from a pistol, revolver, or other firearm capable of being concealed upon the person.

(c) **"Body vest or shield"** means any bullet-resistant material intended to provide ballistic and trauma protection for the wearer or holder.

(d) **"Rifle"** shall have the same meaning as defined in paragraph (20) of subdivision (c) of Section 12020.

**12324. Deactivated ammunition.** Nothing in this chapter shall prohibit the possession, importation, sale, attempted sale, or transport of ammunition from which the propellant has been removed and the primer has been permanently deactivated.

**12325. Manufacture of ammunition pursuant to government contract.** Nothing in this chapter shall prohibit the manufacture of ammunition under contracts approved by agencies of the state or federal government.

## Chapter 5. Firearm Devices

### Article 1. General Provisions

**12500. "Silencer."** The term "silencer" as used in this chapter means any device or attachment of any kind designed, used, or intended for use in silencing, diminishing, or muffling the report of a firearm. The term "silencer" also includes any combination of parts, designed or redesigned, and intended for use in assembling a silencer or fabricating a silencer and any part intended only for use in such assembly or fabrication.

**12501. Exceptions from proscription or possession of silencer.** Section 12520 shall not apply to, or affect, any of the following:

(a) The sale to, purchase by, or possession of silencers by agencies listed in Section 830.1, or the military or naval forces of this state or of the United States for use in the discharge of their official duties.

(b) The possession of silencers by regular, salaried, full-time peace officers who are employed by an agency listed in Section 830.1, or by the military or naval forces of this state or of the United States when on duty and when the use of silencers is authorized by the agency and is within the course and scope of their duties.

(c) The manufacture, possession, transportation, or sale or other transfer of silencers to an entity described in subdivision (a) by dealers or manufacturers registered under Chapter 53 (commencing with Section 5801) of Title 26 of the United States Code, and the regulations issued pursuant thereto.

### Article 2. Unlawful Possession of Firearm Silencers

**12520. Punishment for possession.** Any person, firm, or corporation who within this state possesses a silencer is guilty of a felony and upon conviction thereof shall be punished by imprisonment in the state prison or by a fine not to exceed ten thousand dollars (\$10,000) or by both.

## Chapter 6. Miscellaneous

### Article 1. Minors

**12551. Sale of BB device to minor.** Every person who sells to a minor any BB device is guilty of a misdemeanor.

**12552. Furnishing weapon to minor.**

(a) Every person who furnishes any BB device to any minor, without the express or implied permission of the parent or legal guardian of the minor, is guilty of a misdemeanor.

(b) As used in this section, **"furnishes"** means any of the following:

(1) A loan.

(2) A transfer that does not involve a sale.

### Article 8. Basic Firearms Safety Instruction and Certificate

[Effective until Jan. 1, 2003]

**12800. Legislative findings, declarations, and intent. ...**

(c) It is, therefore, the intent of the Legislature, in enacting this article, to require in this state that purchasers and transferees of pistols, revolvers, and other firearms capable of being concealed upon the person, and persons who are loaned pistols, revolvers, or other firearms capable of being concealed upon the person pursuant to Section 12071, 12072, or 12084, obtain a basic familiarity with those firearms, including, but not limited to, the safe handling and storage of those firearms, methods for child-proofing those firearms, and the responsibilities associated with ownership of those firearms.

(d) It is further the intent of the Legislature, in enacting this article, to establish a program that would help to eliminate the potential for accidental deaths and injuries, particularly those involving children, which are caused by the unsafe handling of pistols, revolvers, and other firearms capable of being concealed upon the person.

**12801. "Basic Firearm Safety Certificate."** As used in this article, "basic firearms safety certificate" means the certificate issued to persons who have complied with this article.

**12802. Issuance of certificate; Legislative intent.**

(a) No basic firearms safety certificate shall be issued to any person unless that person has complied with this article. Proof of compliance

with this article shall be forwarded to the Department of Justice as frequently as the department may determine.

(b) It is the intent of the Legislature to require a basic firearms safety certificate for persons who anticipate the purchase or transfer of a pistol, revolver, or other firearm capable of being concealed upon the person and persons who are loaned pistols, revolvers, or other firearms capable of being concealed upon the person pursuant to Section 12071, 12072, or 12084. This requirement of a certificate is not intended to be a requirement for the mere possession of a firearm.

#### **12803. Duties of Department of Justice.**

(a) Beginning on January 1, 1993, and prior to July 1, 1993, the Department of Justice shall do all of the following:

(1) Develop the course content and instructional materials for a basic firearms safety course. The course shall consist of not less than two, nor more than four, hours of instruction, including, but not limited to, instruction in the following areas as they pertain to pistols, revolvers, and other firearms capable of being concealed upon the person:

(A) The safe use, handling, and storage of those firearms.

(B) Methods for childproofing those firearms.

(C) The laws applicable to the carrying and handling of those firearms.

(D) The responsibilities of ownership of those firearms.

(2) Develop an instructional manual and, if the department deems necessary, audiovisual materials, to be issued to an instructor certified by the department. The department shall make the instructional manual available to firearms dealers licensed pursuant to Section 12071, who shall have it available to the general public. Essential portions of the manual may be included in the pamphlet described in Section 12080.

(3) Prescribe a minimum level of skill, knowledge, and competency to be required of all basic firearms safety instructors, and develop and provide the guidelines to be used to certify the instructors.

(4) Develop an objective test on the subject matter of the basic firearms safety course. The objective test shall be based on the instructional manual referred to in paragraph (2). There shall be no less than five distinct versions of the objective test. The purpose of the objective test shall be to ensure knowledge of basic firearms safety. The test shall consist of not less than 20, nor more than 30, questions. An applicant shall respond successfully to at least 75 percent of the total number of questions in order to pass the test.

(b) The department shall solicit input from any reputable association or organization which has, as one of its objectives, the promotion of firearms safety in the development of the basic firearms safety course.

(c) The department shall periodically update the curriculum of the basic firearms safety course, instructional materials, the basic firearms safety manual, the objective test, and guidelines for certifying basic firearms safety instructors, as needed.

(d) The department shall develop basic firearms safety certificates to be issued by the department, or an instructor certified by the department, to those persons who have complied with this article.

(e) The department shall ensure that the course shall be available to persons at convenient times and locations in a person's county of residency by June 1, 1993.

(f) The Department of Justice shall be immune from any liability arising from implementing this section.

#### **12804. Records; Proficiency in use of specified firearms; Repeating course.**

(a) The department shall maintain adequate records on who has successfully completed the basic firearms safety course or otherwise complied with this article.

(b) Proficiency in the use of any pistol, revolver, or other firearm capable of being concealed upon the person shall not be a prerequisite to acquiring the basic firearms safety certificate.

(c) No person shall be required to complete the course more than once, except that any person who has completed the course and is unable to produce the certificate shall be required to take the course again unless a duplicate certificate is issued pursuant to Section 12807.

#### **12809. Objective test; Issuance of certificate; Fees; Duties of specified instructors.**

(a) Any person who has reason to believe that he or she does not need to complete the basic firearms safety course may take an objective test on the subject matter of the basic firearms safety course from an instructor certified by the department. The objective test shall contain written notice to the applicant on the top of the first page that he or she may not take the test more than twice within a six-month period.

(b) Any person receiving a passing grade on the test shall be immediately issued a basic firearms safety certificate by the instructor. When the objective test is being administered, the certified instructor may only give administrative instructions. Any person who fails to pass the objective test upon the first attempt shall be given additional instructional materials by the instructor such as a videotape or booklet. The person may not retake the objective test under any circumstances until 24 hours have elapsed after the failure to pass the objective test upon the first attempt. The person failing the test on the first attempt shall take another version of the test upon the second attempt. All tests shall be taken from the same instructor except upon permission of the department, which shall be granted only for good cause shown. The instructor shall make himself or herself available to the applicant during regular business hours in order to retake the test. If the person fails the objective test upon a second attempt, then the person shall attend the basic firearms safety course pursuant to Section 12805 in order to be issued a basic firearms safety certificate.

(c) The Department of Justice shall set the fee for taking the objective test and issuance of the basic firearms safety certificate at an amount commensurate with the actual cost to the department, but not to exceed twenty dollars (\$20), ten dollars (\$10) of which shall be forwarded to the department to cover its costs. The fee paid shall entitle the applicant to take the objective test twice if necessary. Commencing with the 1992-93 fiscal year, the department may submit a budget change proposal to the Department of Finance if funds beyond those funds otherwise appropriated to the department are required for the startup costs of the programs specified in this article. The Department of Finance shall transfer funds from any general or nongeneral fund special account used by the Department of Justice to the Fire-arms Safety Training Fund Special Account as a loan of those funds. Any funds received by the department pursuant to the budget change proposal submitted pursuant to this section shall be immediately reimbursed from the Firearms Safety Training Fund Special Account as funds in that account are available

back to the special account from which the funds were borrowed. Any loan shall, in any event, be repaid within four years.

(d)(1) If a dealer licensed pursuant to Section 12071 or his or her employee, or where the managing officer or partner is certified as an instructor pursuant to this article, he or she shall also comply with all of the following provisions:

(A) Designate a separate room or partitioned area for a person to take the objective test.

(B) Maintain adequate supervision to assure that no acts of collusion occur while the objective test is being administered.

(2) If the provisions specified in paragraph (1) cannot be complied with, the applicant shall be advised that he or she may take the objective test wherever the basic firearms safety course is being offered.

#### **12810. [Article to be repealed.]**

(a) This article is repealed on January 1, 2003, unless a later enacted statute that becomes operative on or before that date deletes or extends that date.

(b) Effective January 1, 2003, the Controller shall transfer all remaining funds in the Firearms Safety Training Fund Special Account to the Firearms Safety and Enforcement Special Fund created pursuant to Section 12076.5.

#### **Article 8. Handgun Safety Certificate**

**[Effective Jan. 1, 2003, except 12804]**

**12800. [Legislative intent.]** It is the intent of the Legislature in enacting this article to require that persons who obtain handguns have a basic familiarity with those firearms, including, but not limited to, the safe handling and storage of those firearms. It is not the intent of the Legislature to require a handgun safety certificate for the mere possession of a firearm.

#### **12801. [Handgun safety certificate required.]**

(a) As used in this article, the following definitions shall apply:

(1) "Department" means the Department of Justice.

(2) "DOJ Certified Instructor" or "certified instructor" means a person designated as a handgun safety instructor by the Department of Justice pursuant to subdivision (d) of Section 12804.

(b) No person shall do either of the following:

(1) Purchase or receive any handgun, except an antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code, without a valid handgun safety certificate.

(2) Sell, deliver, loan, or transfer any handgun, except an antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code, to any person who does not have a valid handgun safety certificate.

(c) Any person who violates subdivision (b) is guilty of a misdemeanor.

(d) The provisions of this section are cumulative, and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by different provisions of this code shall not be punished under more than one provision.

#### **12802. [Fraudulent handgun safety certificates; penalty.]**

(a) No person may commit an act of collusion as specified in Section 12072.

(b) Any person who alters, counterfeits, or falsifies a handgun safety certificate, or who uses or attempts to use any altered, counterfeited, or

falsified handgun safety certificate to purchase a handgun is guilty of a misdemeanor.

(c) The provisions of this section are cumulative and shall not be construed as restricting the application of any other law. However, an act or omission punishable in different ways by this section and different provisions of this code shall not be punished under more than one provision.

#### **12804. [Instruction manual.]**

(a) The department shall develop an instruction manual in English and in Spanish by October 1, 2002. The department shall make the instructional manual available to firearms dealers licensed pursuant to Section 12071, who shall make it available to the general public. Essential portions of the manual may be included in the pamphlet described in Section 12080.

(b) The department shall develop audiovisual materials in English and in Spanish by March 1, 2003, to be issued to instructors certified by the department.

(c)(1) The department shall develop a written objective test, in English and in Spanish, and prescribe its content, form, and manner, to be administered by an instructor certified by the department. If the person taking the test is unable to read, the examination shall be administered orally. The test shall cover, but not be limited to, all of the following: ...

(e) If a dealer licensed pursuant to Section 12071 or his or her employee, or where the managing officer or partner is certified as an instructor pursuant to this article, he or she shall also designate a separate room or partitioned area for a person to take the objective test, and maintain adequate supervision to assure that no acts of collusion occur while the objective test is being administered.

(f) The department shall solicit input from any reputable association or organization, including any law enforcement association that has as one of its objectives the promotion of firearms safety, in the development of the handgun safety certificate instructional materials.

(g) The department shall develop handgun safety certificates to be issued by instructors certified by the department, to those persons who have complied with this article.

(h) The department shall be immune from any liability arising from implementing this section.

(i) The department shall update test materials related to this article every five years.

(j) Department Certified Instructor applicants shall have a certification to provide training from one of the following organizations as specified, or any entity found by the department to give comparable instruction in firearms safety, or the applicant shall have similar or equivalent training to that provided by the following, as determined by the department: ....

#### **12805. [Objective test.]**

(a) An applicant for a handgun safety certificate shall successfully pass the objective test referred to in paragraph (1) of subdivision (c) of Section 12804, with a passing grade of at least 75 percent. Any person receiving a passing grade on the objective test shall immediately be issued a handgun safety certificate by the instructor. ....

#### **12806. [Certificate information.]**

(a) A handgun safety certificate shall include, but not be limited to, the following information:

(1) A unique handgun safety certificate identification number.

(2) The holder's full name.

(3) The holder's date of birth.

(4) The holder's driver's license or identification number.

(5) The holder's signature.

(6) The signature of the issuing instructor.

(7) The date of issuance.

(b) The handgun safety certificate shall expire five years after the date that it was issued by the certified instructor.

#### **12807. [Exemptions.]**

(a) The following persons, properly identified, are exempted from the handgun safety certificate requirement in subdivision (b) of Section 12801:

(1) Any active or honorably retired peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2.

(2) Any active or honorably retired federal officer or law enforcement agent.

(3) Any reserve peace officer, as defined in Section 832.6.

(4) Any person who has successfully completed the course of training specified in Section 832.

(5) A firearms dealer licensed pursuant to Section 12071, who is acting in the course and scope of his or her activities as a person licensed pursuant to Section 12071.

(6) A federally licensed collector who is acquiring or being loaned a handgun that is a curio or relic, as defined in Section 178.11 of Title 27 of the Code of Federal Regulations, who has a current certificate of eligibility issued to him or her by the department pursuant to Section 12071.

(7) A person to whom a handgun is being returned, where the person receiving the firearm is the owner of the firearm.

(8) A family member of a peace officer or deputy sheriff from a local agency who receives a firearm pursuant to Section 50081 of the Government Code.

(9) Any individual who has a valid concealed weapons permit issued pursuant to Section 12050.

(10) An active, or honorably retired member of the United States Armed Forces, the National Guard, the Air National Guard, the active reserve components of the United States, where individuals in those organizations are properly identified. For purposes of this section, proper identification includes the Armed Forces Identification Card, or other written documentation certifying that the individual is an active or honorably retired member.

(11) Any person who is authorized to carry loaded firearms pursuant to subdivision (c) or (d) of Section 12031.

(12) Persons who are the holders of a special weapons permit issued by the department pursuant to Section 12095, 12230, 12250, or 12305.

(b) The following persons who take title or possession of a handgun by operation of law in a representative capacity, until or unless they transfer title ownership of the handgun to themselves in a personal capacity, are exempted from the handgun safety certificate requirement in subdivision (b) of Section 12801:

(1) The executor or administrator of an estate.

(2) A secured creditor or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, or an agent or employee thereof when the firearms are possessed as collateral for, or as a result of, a default under a security agreement under the Commercial Code.

(3) A levying officer, as defined in Section 481.140, 511.060, or 680.260 of the Code of Civil Procedure.

(4) A receiver performing his or her functions as a receiver.

(5) A trustee in bankruptcy performing his or her duties.

(6) An assignee for the benefit of creditors performing his or her functions as an assignee.

**12809. [Effective date.]** Except for the provisions of Section 12804, this article shall become operative on January 1, 2003.

## **California Welfare and Institutions Code**

### **Division 8. Miscellaneous**

#### **Chapter 3. Firearms**

#### **8100. Possession of firearm by patient with mental disorder; Waiting period for patients threatening physical violence.**

(a) A person shall not have in his or her possession or under his or her custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon, if on or after January 1, 1992, he or she has been admitted to a facility and is receiving inpatient treatment and, in the opinion of the attending health professional who is primarily responsible for the patient's treatment of a mental disorder, is a danger to self or others, as specified by Section 5150, 5250, or 5300, even though the patient has consented to that treatment. A person is not subject to this subdivision once he or she is discharged from the facility.

(b)(1) A person shall not have in his or her possession or under his or her custody or control, or purchase or receive, or attempt to purchase or receive, any firearms whatsoever or any other deadly weapon for a period of six months whenever, on or after January 1, 1992, he or she communicates to a licensed psychotherapist, as defined in subdivisions (a) to (e), inclusive, of Section 1010 of the Evidence Code, a serious threat of physical violence against a reasonably identifiable victim or victims. The six-month period shall commence from the date that the licensed psychotherapist reports to the local law enforcement agency the identity of the person making the communication. The prohibition provided for in this subdivision shall not apply unless the licensed psychotherapist notifies a local law enforcement agency of the threat by that person. The person, however, may own, possess, have custody or control over, or receive or purchase any firearm if a superior court, pursuant to paragraph (3) and upon petition of the person, has found, by a preponderance of the evidence, that the person is likely to use firearms or other deadly weapons in a safe and lawful manner.

(2) Upon receipt of the report from the local law enforcement agency pursuant to subdivision (c) of Section 8105, the Department of Justice shall notify by certified mail, return receipt requested, a person subject to this subdivision of the following:

(A) That he or she is prohibited from possessing, having custody or control over, receiving, or purchasing any firearm or other deadly weapon for a period of six months commencing from the date that the licensed psychotherapist reports to the local law enforcement agency the identity of the person making the communication. The notice shall state the date when the prohibition commences and ends.

(B) That he or she may petition a court, as provided in this subdivision, for an order permitting the person to own, possess, control, receive, or purchase a firearm.

(3) Any person who is subject to paragraph (1) may petition the superior court of his or her county of residence for an order that he or she may own, possess, have custody or control over, receive, or purchase firearms. At the time

the petition is filed, the clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The people of the State of California shall be the respondent in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or upon its own motion, the superior court may transfer the petition to the county in which the person resided at the time of the statements, or the county in which the person made the statements. Within seven days after receiving notice of the petition, the Department of Justice shall file copies of the reports described in Section 8105 with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The district attorney shall be entitled to a continuance of the hearing to a date of not less than 14 days after the district attorney is notified of the hearing date by the clerk of the court. The court, upon motion of the petitioner establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other provision of law, declarations, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under Section 352 of the Evidence Code, shall be admissible at the hearing under this paragraph. If the court finds by a preponderance of the evidence that the person would be likely to use firearms in a safe and lawful manner, the court shall order that the person may have custody or control over, receive, possess, or purchase firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the department shall delete any reference to the prohibition against firearms from the person's state summary criminal history information.

(c) **"Discharge,"** for the purposes of this section, does not include a leave of absence from a facility.

(d) **"Attending health care professional,"** as used in this section, means the licensed health care professional primarily responsible for the person's treatment who is qualified to make the decision that the person has a mental disorder and has probable cause to believe that the person is a danger to self or others.

(e) **"Deadly weapon,"** as used in this section and in Sections 8101, 8102, and 8103, means any weapon, the possession or concealed carrying of which is prohibited by Section 12020 of the Penal Code.

(f) **"Danger to self,"** as used in subdivision (a), means a voluntary person who has made a serious threat of, or attempted, suicide with the use of a firearm or other deadly weapon.

(g) A violation of subdivision (a) of, or paragraph (1) of subdivision (b) of, this section shall be a public offense, punishable by imprisonment in the state prison, or in a county jail for not more than one year, by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

(h) The prohibitions set forth in this section shall be in addition to those set forth in Section 8103.

(i) Any person admitted and receiving treatment prior to January 1, 1992, shall be governed by this section, as amended by Chapter 1090 of the Statutes of 1990, until discharged from the facility.

### **8101. Giving deadly weapon to mental patient; Punishment.**

(a) Any person who shall knowingly supply, sell, give, or allow possession or control of a deadly weapon to any person described in Section 8100 or 8103 shall be punishable by imprisonment in the state prison, or in a county jail for a period of not exceeding one year, by a fine of not exceeding one thousand dollars (\$1,000), or by both the fine and imprisonment.

(b) Any person who shall knowingly supply, sell, give, or allow possession or control of a firearm to any person described in Section 8100 or 8103 shall be punished by imprisonment in the state prison for two, three, or four years.

(c) **"Deadly weapon,"** as used in this section has the meaning prescribed by Section 8100.

### **8103. [1<sup>st</sup> version] Certificate for possession required for specified classes of people; Prohibition against possession for specified persons; Violation as felony.**

(a)(1) No person who after October 1, 1955, has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, shall purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control any firearm or any other deadly weapon unless there has been issued to the person a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm or any other deadly weapon without endangering others, and the person has not, subsequent to the issuance of the certificate, again been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness.

(2) The court shall immediately notify the Department of Justice of the court order finding the individual to be a person described in paragraph (1). The court shall also notify the Department of Justice of any certificate issued as described in paragraph (1).

(b)(1) No person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of murder, mayhem, a violation of Section 207, 209, or 209.5 of the Penal Code in which the victim suffers intentionally inflicted great bodily injury, carjacking or robbery in which the victim suffers great bodily injury, a violation of Section 451 or 452 of the Penal Code involving a trailer coach, as defined in Section 635 of the Vehicle Code, or any dwelling house, a violation of paragraph (1) or (2) of subdivision (a) of Section 262 or paragraph (2) or (3) of subdivision (a) of Section 261 of the Penal Code, a violation of Section 459 of the Penal Code in the first degree, assault with intent to commit murder, a violation of Section 220 of the Penal Code in which the victim suffers great bodily injury, a violation of Section 12303.1, 12303.2, 12303.3, 12308, 12309, or 12310 of the Penal Code, or of a felony involving death, great bodily injury, or an act which poses a serious threat of bodily harm to another person, or a violation of the law of any other state or the United States that includes all the elements of any of the above felonies as defined under California law, shall purchase or receive, or attempt to purchase or receive, or have in his or her possession or under his or her custody or control any firearm or any other deadly weapon.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be a person described in paragraph (1).

(c)(1) No person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of any crime other than those described in subdivision (b) shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon unless the court of commitment has found the person to have recovered sanity, pursuant to Section 1026.2 of the Penal Code or the law of any other state or the United States.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be a person described in paragraph (1). The court shall also notify the Department of Justice when it finds that the person has recovered his or her sanity.

(d)(1) No person found by a court to be mentally incompetent to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code or the law of any other state or the United States, shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon, unless there has been a finding with respect to the person of restoration to competence to stand trial by the committing court, pursuant to Section 1372 of the Penal Code or the law of any other state or the United States.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be mentally incompetent as described in paragraph (1). The court shall also notify the Department of Justice when it finds that the person has recovered his or her competence.

(e)(1) No person who has been placed under conservatorship by a court, pursuant to Section 5350 or the law of any other state or the United States, because the person is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon while under the conservatorship if, at the time the conservatorship was ordered or thereafter, the court which imposed the conservatorship found that possession of a firearm or any other deadly weapon by the person would present a danger to the safety of the person or to others. Upon placing any person under conservatorship, and prohibiting firearm or any other deadly weapon possession by the person, the court shall notify the person of this prohibition.

(2) The court shall immediately notify the Department of Justice of the court order placing the person under conservatorship and prohibiting firearm or any other deadly weapon possession by the person as described in paragraph (1). The notice shall include the date the conservatorship was imposed and the date the conservatorship is to be terminated. If the conservatorship is subsequently terminated before the date listed in the notice to the Department of Justice or the court subsequently finds that possession of a firearm or any other deadly weapon by the person would no longer present a danger to the safety of the person or others, the court shall immediately notify the Department of Justice.

(3) All information provided to the Department of Justice pursuant to paragraph (2) shall be kept confidential, separate, and apart from all other records maintained by the department, and shall be used only to determine eligibility to purchase or possess firearms or other deadly weapons. Any person who knowingly furnishes that information for any other purpose is guilty of a misdemeanor. All the information concerning

any person shall be destroyed upon receipt by the Department of Justice of notice of the termination of conservatorship as to that person pursuant to paragraph (2).

**(f)(1)** No person who has been (A) taken into custody as provided in Section 5150 because that person is a danger to himself, herself, or to others, (B) assessed within the meaning of Section 5151, and (C) admitted to a designated facility within the meaning of Sections 5151 and 5152 because that person is a danger to himself, herself, or others, shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years after the person is released from the facility. A person described in the preceding sentence, however, may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm if the superior court has, pursuant to paragraph (4), upon petition of the person, found, by a preponderance of the evidence, that the person is likely to use firearms in a safe and lawful manner.

**(2)** For each person subject to this subdivision, the facility shall immediately, on the date of admission, submit a report to the Department of Justice, on a form prescribed by the department, containing information that includes, but is not limited to, the identity of the person and the legal grounds upon which the person was admitted to the facility.

Any report prescribed by this subdivision shall be confidential, except for purposes of the court proceedings described in this subdivision and for determining the eligibility of the person to own, possess, control, receive, or purchase a firearm.

**(3)** Prior to, or concurrent with, the discharge, the facility shall inform a person subject to this subdivision that he or she is prohibited from owning, possessing, controlling, receiving, or purchasing any firearm for a period of five years. Simultaneously, the facility shall inform the person that he or she may petition a court, as provided in this subdivision, for an order permitting the person to own, possess, control, receive, or purchase a firearm.

**(4)** Any person who is subject to paragraph (1) may petition the superior court of his or her county of residence for an order that he or she may own, possess, control, receive, or purchase firearms. At the time the petition is filed, the clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The People of the State of California shall be the respondent in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or on its own motion, the superior court may transfer the petition to the county in which the person resided at the time of his or her detention, the county in which the person was detained, or the county in which the person was evaluated or treated. Within seven days after receiving notice of the petition, the Department of Justice shall file copies of the reports described in this section with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The district attorney shall be entitled to a continuance of the hearing to a date of not less than 14 days after the district attorney was notified of the hearing date by the clerk of the court. The district attorney may notify the county mental health director of the petition who shall provide information about the detention of the person that may be relevant to the court and shall file that information with the superior court. That information shall be disclosed to the person and to the district attorney. The court, upon mo-

tion of the person subject to paragraph (1) establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other law, declarations, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under Section 352 of the Evidence Code, shall be admissible at the hearing under this section. If the court finds by a preponderance of the evidence that the person would be likely to use firearms in a safe and lawful manner, the court may order that the person may own, control, receive, possess, or purchase firearms. A copy of the order shall be submitted to the Department of Justice.

Upon receipt of the order, the Department of Justice shall delete any reference to the prohibition against firearms from the person's state summary criminal history information.

**(5)** Nothing in this subdivision shall prohibit the use of reports filed pursuant to this section to determine the eligibility of persons to own, possess, control, receive, or purchase a firearm if the person is the subject of a criminal investigation, a part of which involves the ownership, possession, control, receipt, or purchase of a firearm.

**(g)(1)** No person who has been certified for intensive treatment under Section 5250, 5260, or 5270.15 shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years.

Any person who meets the criteria contained in subdivision (e) or (f) who is released from intensive treatment shall nevertheless, if applicable, remain subject to the prohibition contained in subdivision (e) or (f).

**(2)** For each person certified for intensive treatment under paragraph (1), the facility shall immediately submit a report to the Department of Justice, on a form prescribed by the department, containing information regarding the person, including, but not limited to, the legal identity of the person and the legal grounds upon which the person was certified. Any report submitted pursuant to this paragraph shall only be used for the purposes specified in paragraph (2) of subdivision (f).

**(3)** Prior to, or concurrent with, the discharge of each person certified for intensive treatment under paragraph (1), the facility shall inform the person of that information specified in paragraph (3) of subdivision (f).

**(4)** Any person who is subject to the prohibition contained in paragraph (1) may fully invoke paragraph (4) of subdivision (f).

**(h)** For all persons identified in subdivisions (f) and (g), facilities shall report to the Department of Justice as specified in those subdivisions, except facilities shall not report persons under subdivision (g) if the same persons previously have been reported under subdivision (f).

Additionally, all facilities shall report to the Department of Justice upon the discharge of persons from whom reports have been submitted pursuant to subdivision (f) or (g). However, a report shall not be filed for persons who are discharged within 31 days after the date of admission.

**(i)** Every person who owns or possesses or has under his or her custody or control, or purchases or receives, or attempts to purchase or receive, any firearm or any other deadly weapon in violation of this section shall be punished by

imprisonment in the state prison or in a county jail for not more than one year.

**(j) "Deadly weapon,"** as used in this section, has the meaning prescribed by Section 8100.

**8103. [2<sup>nd</sup> version] Certificate for possession required for specified classes of people; Prohibition against possession for specified persons; Violation as felony.**

**(a)(1)** No person who after October 1, 1955, has been adjudicated by a court of any state to be a danger to others as a result of a mental disorder or mental illness, or who has been adjudicated to be a mentally disordered sex offender, shall purchase or receive, or attempt to purchase or receive, or have in his or her possession, custody, or control any firearm or any other deadly weapon unless there has been issued to the person a certificate by the court of adjudication upon release from treatment or at a later date stating that the person may possess a firearm or any other deadly weapon without endangering others, and the person has not, subsequent to the issuance of the certificate, again been adjudicated by a court to be a danger to others as a result of a mental disorder or mental illness.

**(2)** The court shall immediately notify the Department of Justice of the court order finding the individual to be a person described in paragraph (1). The court shall also notify the Department of Justice of any certificate issued as described in paragraph (1).

**(b)(1)** No person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of murder, mayhem, a violation of Section 207, 209, or 209.5 of the Penal Code in which the victim suffers intentionally inflicted great bodily injury, carjacking or robbery in which the victim suffers great bodily injury, a violation of Section 451 or 452 of the Penal Code involving a trailer coach, as defined in Section 635 of the Vehicle Code, or any dwelling house, a violation of paragraph (1) or (2) of subdivision (a) of Section 262 or paragraph (2) or (3) of subdivision (a) of Section 261 of the Penal Code, a violation of Section 459 of the Penal Code in the first degree, assault with intent to commit murder, a violation of Section 220 of the Penal Code in which the victim suffers great bodily injury, a violation of Section 12303.1, 12303.2, 12303.3, 12308, 12309, or 12310 of the Penal Code, or of a felony involving death, great bodily injury, or an act which poses a serious threat of bodily harm to another person, or a violation of the law of any other state or the United States that includes all the elements of any of the above felonies as defined under California law, shall purchase or receive, or attempt to purchase or receive, or have in his or her possession or under his or her custody or control any firearm or any other deadly weapon.

**(2)** The court shall immediately notify the Department of Justice of the court order finding the person to be a person described in paragraph (1).

**(c)(1)** No person who has been found, pursuant to Section 1026 of the Penal Code or the law of any other state or the United States, not guilty by reason of insanity of any crime other than those described in subdivision (b) shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon unless the court of commitment has found the person to have recovered sanity, pursuant to Section 1026.2 of the Penal Code or the law of any other state or the United States.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be a person described in paragraph (1). The court shall also notify the Department of Justice when it finds that the person has recovered his or her sanity.

(d)(1) No person found by a court to be mentally incompetent to stand trial, pursuant to Section 1370 or 1370.1 of the Penal Code or the law of any other state or the United States, shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon, unless there has been a finding with respect to the person of restoration to competence to stand trial by the committing court, pursuant to Section 1372 of the Penal Code or the law of any other state or the United States.

(2) The court shall immediately notify the Department of Justice of the court order finding the person to be mentally incompetent as described in paragraph (1). The court shall also notify the Department of Justice when it finds that the person has recovered his or her competence.

(e)(1) No person who has been placed under conservatorship by a court, pursuant to Section 5350 or the law of any other state or the United States, because the person is gravely disabled as a result of a mental disorder or impairment by chronic alcoholism shall purchase or receive, or attempt to purchase or receive, or shall have in his or her possession, custody, or control any firearm or any other deadly weapon while under the conservatorship if, at the time the conservatorship was ordered or thereafter, the court which imposed the conservatorship found that possession of a firearm or any other deadly weapon by the person would present a danger to the safety of the person or to others. Upon placing any person under conservatorship, and prohibiting firearm or any other deadly weapon possession by the person, the court shall notify the person of this prohibition.

(2) The court shall immediately notify the Department of Justice of the court order placing the person under conservatorship and prohibiting firearm or any other deadly weapon possession by the person as described in paragraph (1). The notice shall include the date the conservatorship was imposed and the date the conservatorship is to be terminated. If the conservatorship is subsequently terminated before the date listed in the notice to the Department of Justice or the court subsequently finds that possession of a firearm or any other deadly weapon by the person would no longer present a danger to the safety of the person or others, the court shall immediately notify the Department of Justice.

(3) All information provided to the Department of Justice pursuant to paragraph (2) shall be kept confidential, separate, and apart from all other records maintained by the Department of Justice, and shall be used only to determine eligibility to purchase or possess firearms or other deadly weapons. Any person who knowingly furnishes that information for any other purpose is guilty of a misdemeanor. All the information concerning any person shall be destroyed upon receipt by the Department of Justice of notice of the termination of conservatorship as to that person pursuant to paragraph (2).

(f)(1) No person who has been (A) taken into custody as provided in Section 5150 because that person is a danger to himself, herself, or to others, (B) assessed within the meaning of Section 5151, and (C) admitted to a designated facility within the meaning of Sections 5151 and 5152 because that person is a danger to himself, herself, or others, shall own, possess, con-

trol, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years after the person is released from the facility. A person described in the preceding sentence, however, may own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm if the superior court has, pursuant to paragraph (5), found that the People of the State of California have not met their burden pursuant to paragraph (6).

(2) For each person subject to this subdivision, the facility shall immediately, on the date of admission, submit a report to the Department of Justice, on a form prescribed by the Department of Justice, containing information that includes, but is not limited to, the identity of the person and the legal grounds upon which the person was admitted to the facility.

Any report prescribed by this subdivision shall be confidential, except for purposes of the court proceedings described in this subdivision and for determining the eligibility of the person to own, possess, control, receive, or purchase a firearm.

(3) Prior to, or concurrent with, the discharge, the facility shall inform a person subject to this subdivision that he or she is prohibited from owning, possessing, controlling, receiving, or purchasing any firearm for a period of five years. Simultaneously, the facility shall inform the person that he or she may request a hearing from a court, as provided in this subdivision, for an order permitting the person to own, possess, control, receive, or purchase a firearm. The facility shall provide the person with a form for a request for a hearing. The Department of Justice shall prescribe the form. Where the person requests a hearing at the time of discharge, the facility shall forward the form to the superior court unless the person states that he or she will submit the form to the superior court.

(4) The Department of Justice shall provide the form upon request to any person described in paragraph (1). The Department of Justice shall also provide the form to the superior court in each county. A person described in paragraph (1) may make a single request for a hearing at any time during the five-year period. The request for hearing shall be made on the form prescribed by the department or in a document that includes equivalent language.

(5) Any person who is subject to paragraph (1) who has requested a hearing from the superior court of his or her county of residence for an order that he or she may own, possess, control, receive, or purchase firearms shall be given a hearing. The clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The People of the State of California shall be the plaintiff in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or on its own motion, the superior court may transfer the hearing to the county in which the person resided at the time of his or her detention, or the county in which the person was evaluated or treated. Within seven days after the request for a hearing, the Department of Justice shall file copies of the reports described in this section with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The court shall set the hearing within 30 days of receipt of the request for a hearing. Upon showing good cause, the district attorney shall be entitled to a continuance not to exceed 14 days after the district attorney was notified of the hearing date by the clerk of the court. If additional continuances are granted, the

total length of time for continuances shall not exceed 60 days. The district attorney may notify the county mental health director of the hearing who shall provide information about the detention of the person that may be relevant to the court and shall file that information with the superior court. That information shall be disclosed to the person and to the district attorney. The court, upon motion of the person subject to paragraph (1) establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other law, declarations, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under Section 352 of the Evidence Code, shall be admissible at the hearing under this section.

(6) The people shall bear the burden of showing by a preponderance of the evidence that the person would not be likely to use firearms in a safe and lawful manner.

(7) If the court finds at the hearing set forth in paragraph (5) that the people have not met their burden as set forth in paragraph (6), the court shall order that the person shall not be subject to the five-year prohibition in this section on the ownership, control, receipt, possession or purchase of firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(8) Where the district attorney declines or fails to go forward in the hearing, the court shall order that the person shall not be subject to the five-year prohibition required by this subdivision on the ownership, control, receipt, possession, or purchase of firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall, within 15 days, delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(9) Nothing in this subdivision shall prohibit the use of reports filed pursuant to this section to determine the eligibility of persons to own, possess, control, receive, or purchase a firearm if the person is the subject of a criminal investigation, a part of which involves the ownership, possession, control, receipt, or purchase of a firearm.

(g)(1) No person who has been certified for intensive treatment under Section 5250, 5260, or 5270.15 shall own, possess, control, receive, or purchase, or attempt to own, possess, control, receive, or purchase any firearm for a period of five years.

Any person who meets the criteria contained in subdivision (e) or (f) who is released from intensive treatment shall nevertheless, if applicable, remain subject to the prohibition contained in subdivision (e) or (f).

(2) For each person certified for intensive treatment under paragraph (1), the facility shall immediately submit a report to the Department of Justice, on a form prescribed by the department, containing information regarding the person, including, but not limited to, the legal identity of the person and the legal grounds upon which the person was certified. Any report submitted pursuant to this paragraph shall only be



used for the purposes specified in paragraph (2) of subdivision (f).

(3) Prior to, or concurrent with, the discharge of each person certified for intensive treatment under paragraph (1), the facility shall inform the person of that information specified in paragraph (3) of subdivision (f).

(4) Any person who is subject to paragraph (1) may petition the superior court of his or her county of residence for an order that he or she may own, possess, control, receive, or purchase firearms. At the time the petition is filed, the clerk of the court shall set a hearing date and notify the person, the Department of Justice, and the district attorney. The People of the State of California shall be the respondent in the proceeding and shall be represented by the district attorney. Upon motion of the district attorney, or on its own motion, the superior court may transfer the petition to the county in which the person resided at the time of his or her detention, the county in which the person was detained, or the county in which the person was evaluated or treated. Within seven days after receiving notice of the petition, the Department of Justice shall file copies of the reports described in this section with the superior court. The reports shall be disclosed upon request to the person and to the district attorney. The district attorney shall be entitled to a continuance of the hearing to a date of not less than 14 days after the district attorney was notified of the hearing date by the clerk of the court. The district attorney may notify the county mental health director of the petition, and the county mental health director shall provide information about the detention of the person that may be relevant to the court and shall file that information with the superior court. That information shall be disclosed to the person and to the district attorney. The court, upon motion of the person subject to paragraph (1) establishing that confidential information is likely to be discussed during the hearing that would cause harm to the person, shall conduct the hearing in camera with only the relevant parties present, unless the court finds that the public interest would be better served by conducting the hearing in public. Notwithstanding any other provision of law, any declaration, police reports, including criminal history information, and any other material and relevant evidence that is not excluded under Section 352 of the Evidence Code, shall be admissible at the hearing under this section. If the court finds by a preponderance of the evidence that the person would be likely to use firearms in a safe and lawful manner, the court may order that the person may own, control, receive, possess, or purchase firearms. A copy of the order shall be submitted to the Department of Justice. Upon receipt of the order, the Department of Justice shall delete any reference to the prohibition against firearms from the person's state mental health firearms prohibition system information.

(h) For all persons identified in subdivisions (f) and (g), facilities shall report to the Department of Justice as specified in those subdivisions, except facilities shall not report persons under subdivision (g) if the same persons previously have been reported under subdivision (f).

Additionally, all facilities shall report to the Department of Justice upon the discharge of persons from whom reports have been submitted pursuant to subdivision (f) or (g). However, a report shall not be filed for persons who are discharged within 31 days after the date of admission.

(i) Every person who owns or possesses or has under his or her custody or control, or pur-

chases or receives, or attempts to purchase or receive, any firearm or any other deadly weapon in violation of this section shall be punished by imprisonment in the state prison or in a county jail for not more than one year.

(j) "Deadly weapon," as used in this section, has the meaning prescribed by Section 8100.

## California Government Code

### Title 5. Local Agencies

#### Division 2. Cities, Counties, and Other Agencies

#### Part 1. Powers and Duties Common to Cities, Counties, and Other Agencies

#### Chapter 1. General

#### Article 4. Miscellaneous

**53071. Firearms.** It is the intention of the Legislature to occupy the whole field of regulation of the registration or licensing of commercially manufactured firearms as encompassed by the provisions of the Penal Code, and such provisions shall be exclusive of all local regulations, relating to registration or licensing of commercially manufactured firearms, by any political subdivision as defined in Section 1721 of the Labor Code.

**53071.5. Preemption of legislative regulation of imitation firearms.** By the enforcement of this section, the Legislature occupies the whole field of regulation of the manufacture, sale, or possession of imitation firearms, as defined in Section 417.2 of the Penal Code, and that section shall preempt and be exclusive of all regulations relating to the manufacture, sale, or possession of imitation firearms, including regulations governing the manufacture, sale, or possession of BB guns and air rifles described in subdivision (g) of Section 12001 of the Penal Code.

#### Publisher's Note

Calif. Attorney General Opinion 94-212 (online at <http://caag.state.ca.us/opinions/index.htm>) provides:

- With regard to firearms registration and licensing, the Legislature has explicitly preempted the adoption of local ordinances, citing Government Code section 53071.
- As to firearms possession at one's residence, business, or other property, state law has preempted the field.
- The state has so thoroughly occupied the field that the Attorney General has no doubt that regulating firearms sales is beyond the reach of local governments; cities and counties have been charged with the execution of the state's program for the licensing of firearms dealers, but their role is ministerial in nature.
- The Attorney General concluded that the language of Penal Code sections 12026 and 12304, construed together, precludes a local entity from prohibiting the sale of handgun ammunition.
- A city ordinance which requires ammunition vendors within the city to record and maintain identification information with respect to each purchaser is not preempted.
- As to firearms use, the state has not preempted the field.

[Current through 2001 2<sup>nd</sup> Extraordinary Session, including 2001 Cal. Stat. 126 (SB 9), 130 (SB 578), 138 (SB 294), 159 (SB 662), 854 (SB 205), 937 (SB 626), 940 (AB 35), 942 (SB 52) & 944 (SB 950) and 2000 Cal. Stat. 123 (AB 719), 135 (AB 2539), 275 (AB 2053), 287 (SB 1955), 400 (AB 1989) 668 (AB 1961) & 967 (AB 2351)]

## Anaheim Municipal Code

### Title 4. Business Regulation Chapter 4.99 Retail Sale of Concealable Firearms

**4.99.010. Duly Constituted Licensing Authority.** The Finance Director of the City of Anaheim, or his or her designated representative, is designated the City's licensing authority, and is authorized to issue licenses for the retail sale of concealable firearms pursuant to Article 4 of the California Penal Code, commencing with Section 12070. The term "Finance Director" as used herein shall include any representative designated by the Finance Director pursuant to this section.

**4.99.020. Definition - "Concealable Firearms."** The term "concealable firearms" shall mean pistols, revolvers and other firearms capable of being concealed upon the person.

**4.99.030. License Required.** No person shall conduct, engage in or carry on the business of selling, leasing, transferring, advertising, offering or exposing for sale, lease or transfer concealable firearms without having first obtained a license from the Finance Director. The license shall not be transferable. The initial license or any renewal thereof shall be valid from the date of issuance through December 31st of the same calendar year. Notwithstanding any other provision of this section, no license shall be required by the City pursuant to this chapter for any activity which is exempt from such licensing by any provision of Section 12070 of the Penal Code or any other provision of state

**4.99.050. Issuance, Denial and Revocation of License.**

**.010.** The Finance Director shall issue a license to an applicant who satisfies all the requirements contained in Penal Code Sections 12070, et seq., and shall deny a license to an applicant who fails to satisfy any one or more of those requirements.

**.020.** Any license issued pursuant to this chapter may be revoked by the Finance Director for breach of any of the conditions set forth in Penal Code Section 12071(a).

**.030.** If an application for a license is denied, the Finance Director shall notify the applicant by certified mail of such denial within thirty days of the date of receipt of the application.

**.040.** If a license issued pursuant to this chapter is revoked, the Finance Director shall notify the licensee by certified mail of such revocation within ten days of the date of revocation.

**.050.** Any applicant who is denied a license or any licensee whose license is revoked may appeal such action to the City Manager or his designee within fifteen days after receipt of notice of denial or revocation by filing a written notice of appeal and paying any appeal fee as prescribed by resolution of the City Council within such fifteen day period. The City Manager or his designee shall review the circumstances of such denial or revocation and shall render a written decision. The action of the City Manager or his designee shall be final and conclusive.



## Title 6. Public Health and Safety

### Chapter 6.32. Dangerous Weapons

#### 6.32.010. "Dangerous or Deadly Weapons"

**Defined.** The term DANGEROUS OR DEADLY WEAPONS as used in Sections 6.32.010 through 6.32.050 of this chapter includes, but is not limited to, any dangerous or deadly weapon within the meaning of any law of this State restricting the use thereof; ... ; and any firearm other than:

.010. One carried pursuant to valid permit issued by duly authorized governmental authority; or

.020. Any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful purpose.

**6.32.020. Loitering or Hiding With Concealed Dangerous or Deadly Weapons - Prohibited.** It shall be unlawful for any person, while carrying concealed upon his person any dangerous or deadly weapon, to loaf or loiter upon any public street, sidewalk or alley or to wander about from place to place with no lawful business thereby to perform, or to hide, lurk or loiter upon or about the premises of another.

**6.32.050. Dangerous or Deadly Weapons in Automobiles For Improper Purposes - Prohibited.** It shall be unlawful for any person to have in his possession, in any automobile, any dangerous or deadly weapon, but this restriction shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business, or for the purpose of legitimate sport or recreation

**6.32.110. Exception for Bona Fide Educational and Recreational Programs.** Nothing contained in Chapter 6.32 shall prohibit the use of the weapons specified therein in connection with a bona fide educational or recreational program under the supervision of a qualified instructor; provided that such program shall have been approved either by the Board of Trustees of any School District or the City Council of the City of Anaheim.

[Current through Anaheim Ord. 5785, passed Oct. 2, 2001]

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### Bakersfield Municipal Code

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## Title 9 Public Peace, Morals and Welfare

### VIII. Weapons Offenses

#### Chapter 9.52. Weapons in Public Buildings

**9.52.020. Weapons in owner's place of business or residence allowed.** Nothing in this chapter shall be construed to prohibit any citizen of the United States over the age of eighteen years who resides or is temporarily within this city and who is not exempt by Section 9.52.010, from owning, possessing, or keeping within his place of residence or place of business any pistol, revolver, or other firearm, and no permit or license to own, possess or keep such firearm at his place of residence or place of business shall be required of him.

[Current through Bakersfield Ord. 4007, passed May 16, 2001]

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### Fremont Municipal Code

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## Title III. Public Safety, Welfare and Morals

### Chapter 3. Firearms

**3-3100. Sale of weapons to minors.** Except as otherwise provided in section 3-3103 of this Code, no persons shall sell, give, loan, or in any way furnish to any person under the age of sixteen years, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or other device designed or intended to discharge, or capable of discharging, any dangerous missile.

**3-3101. Sale of ammunition to minors.** Except as otherwise provided in section 3-3103 of this Code, no person shall sell, give, loan, or in any way furnish, to any person under the age of sixteen years, any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in, or fired from any gun, revolver, pistol, or other firearm.

**3-3102. Possession and use of weapons by minors.** Except as otherwise provided in section 3-3103 of this Code, no person under the age of sixteen years shall fire, discharge, shoot, or operate, or participate in the firing, discharging, shooting, or operating, or have in his possession, care, custody, or control, any gun, revolver, pistol, firearm, spring gun, air gun, B-B gun, sling, slingshot, bow and arrow, or device designed or intended to discharge, or capable of discharging any dangerous missile, or any cartridge, shell, ammunition, or device containing any explosive substance, designed or intended to be used in or fired from any gun, revolver, pistol, or other firearm.

**3-3103. Prohibition does not apply to licensed hunters.** Nothing in section 3-3100, 3-3101 or 3-3102 of this Code shall be deemed or construed to prohibit the selling, giving, loaning, or furnishing of any article mentioned in sections 3-3100 and 3-3102 of this Code, to any person under the age of sixteen years who is the holder of a valid hunting license issued to such person in accordance with the provisions of the Fish and Game Code of the state; nor prohibit any such licensee under the age of sixteen years from using or possessing any article mentioned in section 3-3102 of this Code. Nothing in this chapter shall be deemed or construed to prohibit any person under the age of sixteen years from firing, discharging, shooting, or operating any article mentioned in section 3-3102 of this Code, when such person is the holder of a valid state hunting license and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed, or is lawfully engaged in shooting at any inanimate target or trapshooting device while accompanied by, and under the direct care and control of some responsible adult person, at an established shooting range with a safe background.

### Chapter 18. Saturday Night Special Prohibition

**3-18100. Title.** This chapter will be known as the City of Fremont Saturday Night Special/Junk Gun Sales Prohibition Ordinance and may be so cited.

#### 3-18105. Purpose and intent.

The purpose of this chapter is to ensure the health, safety, and general welfare of city residents by eliminating the sale of cheaply made, inadequately designed and poorly manufactured handguns in the city.

#### 3-18110. Definitions.

(a) **City manager** means the City of Fremont city manager or designee.

(b) **Police chief** means the City of Fremont police chief or designee.

(c) Except as provided in section 3-18115 herein, the term **Saturday Night Special**, as used in this chapter, means any of the following:

(1) A pistol, revolver, or sidearm capable of being concealed on the person, as those terms are defined in Section 12001(a) of the California Penal Code, which contains a frame, barrel, breech block, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength.

(2) A semi-automatic pistol which:

a. Is not originally equipped by the manufacturer with a locked-breech action; and

b. Is chambered for cartridges developing maximum permissible breech pressures above twenty-four thousand one hundred copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.

c. For purposes of this subsection (2), "**semi-automatic pistol**" means a firearm, as defined in Section 12001(b) of the California Penal Code, which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii) ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber. "Semi-automatic pistol" does not include any assault weapon designated in Section 12276 of the California Penal Code.

(3) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in Section 12001(a) of the California Penal Code, which:

a. Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum safe permissible breech pressures below nineteen thousand copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

b. Is chambered to fire either center fire ammunition or rimfire ammunition developing maximum permissible breech pressures above nineteen thousand copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

c. Is not originally equipped by the manufacturer with a nondetachable trigger guard; or

d. If rimfire, is equipped with a barrel of less than twenty bore diameters in overall length protruding from the frame.

e. For purposes of this subsection (c), "action mechanism" means the mechanism of a firearm by which it is loaded, locked, fired and unloaded, commonly known as the cycle of operation.

**3-18115. Exclusions.** The term **Saturday Night Special** does not include any of the following:

(a) Any pistol which is an antique or relic firearm or other weapon falling within the specifications of Section 12020(b), paragraphs (5), (7) and (8), of the California Penal Code; or

(b) Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion; or

(c) Children's pop guns or toys; or

(d) An "unconventional pistol" as defined in Section 12020(c)(12) of the California Penal Code; or

(e) Any pistol which has been modified to either render it permanently inoperable, or permanently to make it a device no longer classified as a Saturday Night Special.

**3-18120. Roster of Saturday Night Specials.** On or before January 1, 1997, the chief of

police will compile, publish, and thereafter maintain a roster of Saturday Night Specials. The roster shall list those firearms by manufacturer and model number, which the chief of police or designee determines fit the definition of Saturday Night Special set forth in section 3-18110.

**3-18125. Notification.** Upon completion of a list of firearms to be placed on the roster for the first time, the police chief shall deposit in the United States mail, with the first class postage prepaid, a notice to: (1) the manufacturer of every firearm on the roster referred to in section 3-18120 of this chapter; and (2) every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and this chapter. The notice does the following:

(a) Identify the model number of the firearm which has been classified as a Saturday Night Special within the meaning of section 3-18110 of this Code; and

(b) Advise the recipient that the recipient may apply for reconsideration of the classification of the firearm as a Saturday Night Special; and

(c) Advise the recipient that the burden of proving a firearm is not a Saturday Night Special within the meaning of section 3-18110 of this Code shall be on the recipient; and

(d) Advise the recipient of the procedures and time limits for seeking reconsideration.

(e) Failure of any manufacturer or other party to receive any notice provided in this chapter will not invalidate any proceeding or action under this chapter.

**3-18140. Publication of the roster; effective date.** The chief of police shall place on the roster those firearms which have been determined to be Saturday Night Specials as defined in section 3-18110 of this Code. The chief of police shall cause the roster to be published in the following manner:

(a) Notification of the roster's completion shall be published at least once in the official newspaper as designated by the city and circulated in the city within fifteen days after its completion; and

(b) A copy of the roster, certified as a true and correct copy thereof, shall be filed in the office of the city clerk; and

(c) A copy of the roster, certified as a true and correct copy thereof, shall be distributed to every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and section 5-8100 et seq. herein.

(d) The roster shall become effective on the fifteenth day after its publication.

**3-18150. Sale prohibited.** After January 1, 1997, no wholesale or retail firearms dealer licensed by the city pursuant to section 5-8100 et seq. shall offer or display for sale, give, lend or transfer ownership of, any firearm listed on the roster of Saturday Night Specials. This section shall not preclude a wholesale or retail gun dealer from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the California Penal Code.

**3-18155. Exemptions.** Nothing in this chapter relative to the sale of Saturday Night Specials shall prohibit the disposition of any firearm by sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, nor to persons who are authorized by the United States Federal Government for use in the performance of their official duties; nor shall anything in the chapter prohibit the use of any firearm by the above-mentioned persons in the performance of their official duties.

### **3-18160. Penalty.**

(a) Any person violating any provision of this chapter shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars for each separate violation or by imprisonment for a period not exceeding six months, or by both a fine and imprisonment. Alternatively, any person violating any provision of this chapter shall be liable for a civil penalty prescribed by the city council not to exceed one thousand dollars for each violation of this chapter. Each day that a violation continues will constitute a separate violation.

(b) Any person found to be in violation of this chapter shall be considered in violation of the requirements of section 5-8100 et seq. and shall be subject to suspension and/or revocation of a firearms dealer permit.

## **Title V. Businesses, Professions and Trades**

### **Chapter 8. Permit Requirements for Firearms Dealers**

**5-8100. Citation of chapter.** This chapter may be referred to as the "Firearms Dealer Permit Ordinance."

**5-8101. Purpose and findings.** The declared purpose of this chapter is to provide uniform regulations applicable to all firearm dealers in the city. ....

**5-8102. Definitions.** The following words and phrases, whenever used in this chapter, are defined as follows:

(a) **Firearms** shall mean any device, designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion.

(b) **Firearms dealer** shall mean a person engaged in the business of selling, transferring, leasing, or advertising for sale, transfer, or lease any firearm with the exception of a Bureau of Alcohol, Tobacco and Firearms Federal Firearms License of Type 03 (collectors of curios and relics) and Type 01 (limited to those who engage only in gunsmith activities and does not conduct any sales transactions). Included in this definition are persons involved solely in the warehousing and storage of firearms

(c) **Gunsmith** shall mean a person whose occupation is to design, modify, make or repair firearms. For the sales of firearms, refer to "firearms dealer" under section 5-8102(b) of this chapter.

(d) **Engaged in business** shall mean the conduct of a business by the selling, transferring, or leasing of any firearm; or the preparation for such conduct of business as evidenced by the securing of applicable federal and state licenses; or the holding of one's self out as engaged in the business of selling, transferring, or leasing of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

(e) **Person** shall mean any natural person, firm, corporation, organization, company association, business trust, joint-stock company, partnership, joint venture, club, or the agent, servant, manager, officer, employee, or lessee of any of them, and any municipal, political, or governmental corporation, district, body, or agency, other than the city.

(f) **Chief of police** shall mean the chief of police of the city or his/her designee charged with the administration of this chapter, subject to the administrative direction of the city manager.

(g) **Collector of curios and relics** shall mean a person who is a collector of any antique firearm or any firearm which is a curio or relic as

defined in Section 178.11 et seq. of Title 27 of the Code of Federal Regulations and who only possesses a valid Bureau of Alcohol, Tobacco and Firearms Federal Firearms License of Type 03 (collectors of curios and relics).

(h) **Applicant** shall mean the firearms dealer as defined in this chapter who is making application to the city for a firearms dealers permit or gunsmith permit as required by section 12071 (a)(1) of the California Penal Code.

(i) **Trigger locks** shall mean accessories which immobilize the trigger or hammer of the firearm to which they are attached.

### **5-8103. Permit required.**

(a) **Firearms dealers:** No person, partnership, cooperative, corporation, firm, or association will engage in the business of operating or managing any business in the city, which sells, transfers, leases, or offers or advertises for sale, transfer, or lease, any firearm without first obtaining a firearms dealers permit from the chief of police. Application for any such permit shall be made in writing to the chief of police in such form as shall be prescribed by him/her. The applicant shall provide all information requested, including proof of compliance with all applicable federal, state, and local laws, or the application will not be deemed complete. Persons who are collectors of antique firearms as described in section 5-8102(g) of this chapter shall not be required to obtain and maintain a firearms dealers permit.

(b) **Gunsmiths:** No person, partnership, cooperative, corporation, firm, or association will engage in the business of operating or managing a business which designs, modifies, makes or repairs firearms in the city without first obtaining a gunsmith permit from the chief of police. Application for any such permit shall be made in writing to the chief of police in such form as shall be prescribed by him/her. The applicant shall provide all information requested, including proof of compliance with all applicable federal, state, and local laws, or the application will not be deemed complete.

**5-8107. Security requirements; chief of police authority to adopt administrative regulations.** Firearms security regulations shall be adopted as provided in this section. ....

### **5-8111. Permit conditions.**

(a) All permits issued pursuant to this chapter shall be subject to the following conditions. The violation of any of the listed conditions will be grounds for suspension or revocation of the permit by the chief of police.

(1) No firearms dealer permit will be issued to a person engaged in the business of selling, transferring, leasing, or advertising for sale, transfer, or lease any firearm from a residence.

(2) The business shall be conducted only in the building located at the street address indicated on the permit.

(3) The sales of firearms shall be conducted only by the person(s) listed on the firearms dealer permit issued by the city, known as the "permittee." If the permittee is to be assisted by another person such as an owner, partner, employee, manager, officer, agent, lessee, or other responsible person engaged in the business of the sale of firearms, these individuals must be reviewed under the requirements of subsections 5-8106(a), (e), (f), (g), and (h) of this chapter.

(4) The permittee shall comply with sections 12073, 12074, 12076, 12077, and 12082 and subdivision (b) of section 12072 of the California State Penal Code, to the extent that the provisions remain in effect.

(5) The permittee shall comply with all sections of this chapter.

(6) The permittee shall not sell, lease, give, lend or otherwise transfer ownership of any firearm without also selling or otherwise providing which each such firearm a trigger lock or similar device that is designed to prevent the unintentional discharge of the firearm.

(b) Any permit pursuant to this chapter shall be subject to additional conditions as the chief of police deems reasonably related to the purpose of this chapter.

#### **5-8115. Permit liability insurance.**

(a) No firearms dealer permit shall be issued or renewed pursuant to this chapter unless there is in full force and effect prior to issuance of a permit or renewal a policy of insurance in such form that the city attorney and city risk manager deems proper, executed by an insurance company approved by the city attorney whereby the applicant or permittee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or advertising for sale, transfer or lease, or advertising for lease, any firearm. The minimum liability limits shall not be less than one million dollars for damages to or destruction of property in any one incident, and one million dollars for the death or injury of any one person provided, however, that additional amounts may be required by the city attorney if deemed necessary. Person(s) engaged in the business of operating or managing a gunsmith business which designs, modifies, makes or repairs firearms will not be required to obtain and maintain liability insurance as discussed in this section.

(b) The policy of insurance shall name the city, its officers, agents and employees as additional insureds. Applicants and permittees shall indemnify, defend and hold harmless the city, its officers, agents, and employees, from claims arising from the negligence of the applicant or permittee. Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the chief of police sixty days prior to cancellation.

(c) A federally licensed firearms dealer possessing a home occupation permit for the sale of firearms from his/her residence shall be exempted from this requirement.

#### **5-8118. Temporary suspension.**

(a) If a firearm dealer violates any federal, state or local county or city law, the chief of police may immediately suspend the right of the dealer to sell firearms.

(b) The temporary suspension will not exceed three days. If the violation results in a criminal charge filed by a federal, state, or county district attorney such permit to sell firearms may be suspended until the case is adjudicated in a court of law.

(c) Notice of suspension and rights to appeal and costs shall be the same as provided in section 5-8112 (permit denial, suspension, conditioning, revocation, denial of renewal), section 5-8113 (appeal of adverse action) and section 5-8114 (costs of appeal and attorney fees) of this chapter.

[Current through Fremont Ord. No. 2439, enacted Oct. 2, 2001]

### **Fresno Municipal Code**

#### **Chapter 5. Licenses** **Article 5. Citizens Concealed Weapons License**

**5-501. Title.** This article shall be known as the Citizens Concealed Weapons License Ordinance. This article shall set forth city policy on the duties of the Police Chief when issuing Carry Concealed Weapons licenses, hereinafter "CCW licenses".

#### **5-502. Good Cause.**

(a) Neither the Police Chief nor any public officer or employee shall promulgate any legal or factual test or standard of "good cause" intended to operate as:

1. An unreasonable barrier to issuance of CCW licenses, or

2. As a subterfuge to avoid exercise of discretion to issue. Any person who files a completed application for a CCW license and pays the required fees, as established by the Council shall be entitled to a prompt investigation in accordance with State law by the Police Chief in order to determine whether the applicant has good cause to receive a license and whether the applicant has the good moral character to possess a CCW license. In addition to other factors which the Police Chief has the discretion to review, the following factors may be considered by the Police Chief to establish good cause: Documented threat to life of the applicant, the applicant's spouse, or applicant's dependent children; business necessity of applicant engaged in business-related activities such as the carrying of large sums of money or other valuables and in opening or closing a business at odd hours which expose the applicant to danger or physical harm; necessity established by applicant who by nature of his or her position is in danger of physical harm; or applicant is in the reserves of the Fresno Police Department.

(b) In such circumstances wherein additional background information not ordinarily contained in routine checks discloses disqualifying information, the Police Chief at his or her discretion, may in accordance with the provisions of this article and with state law, deny the application. Upon such a denial, the Police Chief shall, in writing, disclose such information to the applicant which justifies said denial.

#### **Chapter 8. Morals and Conduct** **Article 2. Crimes against Public Health and Safety**

#### **8-203. Use and Possession of Weapons. ...**

(d) No person under the age of eighteen years shall have in his or her possession any firearm within the city limits unless he or she, at all times during the possession, (1) has on his or her person the written consent of his or her parent or legal guardian, or (2) is accompanied by his or her parent or legal guardian, or (3) is participating in and going to and from an organized, lawful recreational or competitive shooting activity or lawful hunting activity. As used in this subdivision (d), "firearm" means any firearm except (1) any pistol, revolver or firearm capable of being concealed upon the person as described in California Penal Code Section 12001, or (2) a B-B gun, pellet gun or spot-marking gun as described in California Penal Code Section 12001.1, or (3) any other firearm the possession of which by minors is regulated by State law.

(e) This section shall not be deemed to make punishable the act of carrying or discharging a weapon in the lawful discharge of his or her duties by a public officer, or private person duly licensed therefor.

(f) This section shall not apply to the keeping of weapons at a place of business or residence by a person eighteen years of age or older lawfully in possession of the property. ...

(i) No parent, guardian, or any adult person having the control, custody, or charge of any person under the age of eighteen years, shall knowingly permit, allow, or let said person to use or possess a weapon in violation of this section.

(j) The Chief of Police is authorized to seize and impound any weapon which is kept, possessed or used in violation of this section, or the missile thereof, and to hold the same for a period of thirty days and until thereafter claimed by its owner. Such articles may not be returned to any person under the age of eighteen years but may be returned to his or her guardian or parent.

(k) This section shall not be deemed to make punishable an act or acts which are allowed or prohibited by any law of the State.

[Current through Fresno Ord. No. 2001-69 (Supplement No. 3-01)(Sept. 25, 2001)]

### **Glendale Municipal Code**

#### **Title 9. Public Peace and Welfare** **Chapter 9.24. Weapons**

**9.24.010. Concealable firearms - Permit required.** No person shall, within the city, engage in the business of selling or otherwise transferring any handgun, pistol, revolver or other firearm capable of being concealed upon the person without first having received a revocable permit from the chief of police authorizing such person to make such sales.

**9.24.055. Firearms and weapons generally - Persons under age eighteen not to possess firearms, ammunition, etc.** No person under the age of eighteen years shall have in his or her possession, care, custody or control in the city, any gun, revolver, pistol, spring or air gun, or firearm of any description, or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description, or any ammunition of any description containing any explosive.

[Current through Glendale Ord. 5279, passed April 3, 2001]

### **Huntington Beach Municipal Code**

#### **Title 9. Public Peace, Morals and Welfare** **Chapter 9.80. Concealed Weapons**

**9.80.010. Prohibited.** No person, other than a Public Officer, or person having secured a permit so to do, shall wear or carry concealed on or about his person, any pistol, dirk or other dangerous weapon or deadly weapon.

**9.80.030. Permits to carry.** The Chief of Police is authorized to grant a written permit to any peaceable person, when in his judgment he may deem it necessary, for such person to carry concealed weapons for his own protection.

**9.80.040. Nuisance.** It shall be deemed a public nuisance for any person, other than a Public Officer, or person having secured a permit to do so, to wear or carry concealed on or about his person, any pistol, dirk or other dangerous weapon or deadly weapon.

### **Long Beach Municipal Code**

## **Title 5. Regulation of Businesses, Trades and Professions**

### **Chapter 5.36. Firearms Dealer**

**5.36.010. Permit-Required.** No person shall engage in, carry on or conduct the business of a firearms dealer without first having obtained a permit in accordance with this Chapter and complying with any and all requirements and regulations set forth in this Chapter.

**5.36.020. Permit application.** Each person, before obtaining a permit to carry on the business of selling firearms, shall make a written application on forms furnished by the Chief of Police, which shall be signed by the applicant. Every applicant must provide all documents required pursuant to Section 12071 of the California Penal Code.

## **Title 9. Public Peace, Morals and Welfare**

### **Chapter 9.52. Firearms**

**9.52.010. Sale of ammunition prohibited.** No person as principal, agent or otherwise, shall sell, exchange, give or loan any BB shot, pellet, or other missile designed or intended for use in any spring gun, air gun, air pistol or other pistol or gun, or any cartridge, shell or other device containing any explosive and designed or intended for use in any gun, revolver, pistol, or firearm of any description to any person under the age of eighteen years.

**9.52.020. Possession prohibited.** No person, as principal, agent or otherwise, under the age of eighteen years, shall have in his or her possession, care, custody or control, any gun, revolver, pistol, spring gun, air gun or firearm of any description, or any cartridge, shell or other device containing any explosive, and designed or intended for use in any gun, revolver, pistol or firearm of any description, or any explosive ammunition of any description whatsoever.

[Current through Long Beach Ord. No. C-7779, passed Dec. 10, 2001]

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## **Los Angeles Municipal Code**

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### **Chapter V. Public Safety and Protection**

#### **Article 5. Firearms**

**55.01. Concealed Weapons - Permit.** No person, except a peace officer shall wear or in any manner carry concealed upon his person, any loaded or unloaded gun, pistol or revolver, or any other dangerous or deadly weapon permitted to be carried by law without having, at the same time, actually in his possession, and upon his person an unexpired permit so to do issued by the Board Of Police Commissioners.

**55.02. Concealed Weapons - Permit - Record.** The Board of Police Commissioners shall have power to issue to any person, who in the judgment of said board, shall have such privilege, a written permit to carry concealed any of the weapons specified in the preceding section. Such permits shall be numbered consecutively in the order in which they are issued. No permit shall be granted for a longer period than twelve months. Each such permit shall state the name, address and occupation of the person to whom the same is issued, and the date of its expiration and shall specify the kind and description of weapon authorized to be carried concealed by said person.

**55.05. Assault Weapons - Sale or Possession Prohibited.**

(a) Subject to Subsection (c), the term "assault weapon", as used in this section, shall include:

1. any semiautomatic action, center fire rifle or carbine which accepts a detachable magazine with a capacity of twenty rounds or more, including but not limited to the following firearms or their copies: AR 15 semiautomatic assault rifles, Uzi semiautomatic assault rifles or carbines, Ingram Mac-10 semiautomatic assault carbines, Ingram Mac-11 semiautomatic assault carbines, Heckler and Koch 93 semiautomatic assault rifles, Heckler and Koch 91 semiautomatic assault rifles, AK-47 semiautomatic assault rifles, AKM-47 semiautomatic assault rifles, all Avtomat Kalashnikov weapons, M1-A semiautomatic assault rifles, M-14 semiautomatic assault rifles, Thompson semiautomatic carbines and any other semiautomatic carbines manufactured by Auto Ordnance;

2. any shotguns with a barrel of less than 18 inches and a folding stock or magazine capacity of more than six rounds;

3. any weapon which may be readily restored to an operable assault weapon, as defined above in 1 and 2; and

4. any part, or combination of parts, designed or intended to convert a weapon into an assault weapon, as defined above in 1 and 2, or any combination of parts from which an assault weapon may be readily assembled, if those parts are in the possession or under the control of the same person.

(b) As used in this section, the term "semiautomatic" means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

(c) The term "assault weapon" does not include any of the following:

1. any of the above generally and specifically described weapons which is a "machine gun" as that term is defined by Section 12200 of the Penal Code of the State of California; any pistol, revolver or other firearm which is capable of being concealed upon one's person, as defined and regulated by the provisions of Sections 12021 and 12025 of the Penal Code of the State of California;

2. any of the following: weapons which do not use fixed ammunition, weapons which were manufactured prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons, revolving cylinder weapons, semiautomatic weapons which use exclusively Mannlicher-style clips, semiautomatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine;

3. any assault weapon which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5), (7) and (8) of Subsection (b) of Section 12020 of the Penal Code of the State of California;

4. any short-barreled rifle or shotgun as defined in Subsection (c) of Penal Code Section 12020; or

5. any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(d) Except as specified in Subsections (e), (f), and (g), no person, including wholesale and retail gun dealers, shall sell, offer or display for sale, give, lend or transfer ownership of, or possess any assault weapon.

(e) Nothing in this section shall prohibit the acquisition, possession, or disposition by police departments, sheriff's offices, Marshal's offices, the California Highway Patrol, other local, state

and federal law enforcement agencies, or the military and naval forces of this state or of the United States for use in the discharge of their official duties; nor shall anything in this section prohibit the possession of assault weapons or magazines therefor by regular, salaried, full-time officers, employees or agents thereof when on duty and the use of assault weapons is within the scope of their duties.

(f) The provisions of this section shall not apply to the possession of any assault weapon when such possession is prohibited by the provisions of Section 12031 of the Penal Code of the State of California or Section 2010 of the Fish and Game Code of the State of California.

(g) Notwithstanding the provisions of Subsection (d) of this section:

1. any person who obtains title to an assault weapon by bequest or intestate succession may retain possession for a period of time not to exceed six months, and shall within that time transfer title of the weapon to a dealer licensed pursuant to Article 4 of the State of California Penal Code, commencing at Section 12250, or to the Los Angeles Police Department or other police agency;

2. an assault weapon may be maintained in the possession of an entity or establishment engaged in the business of motion picture, television or video production, but only for the purpose of being utilized as a prop during the course of motion picture, television or video production by an authorized participant therein or by an authorized agent or employee of the entity or establishment, and only if the entity or establishment properly secures such assault weapon from unauthorized use; and

3. an assault weapon may be possessed by any federal, state or local historical society, museum or institutional collection which is open to the public, provided any such weapon is properly housed, secured from unauthorized handling and is unloaded.

#### **55.09. Ammunition Sales.**

(a) The term "firearm ammunition", as used in this section, shall include any ammunition for use in pistols, revolvers, rifles, shot guns, or any other device designed to be used as a weapon from which is expelled a projectile by the force of explosion or other form of combustion.

(b) Except as specified in Subsection (c) and (d), no person, including retail gun dealers, shall sell, give, lend or transfer ownership of any firearm ammunition during the period of seven days prior to the first day of January of each year or on the first day of January of each year, or during the seven days prior to the Fourth of July of each year or on the Fourth of July of each year.

(c) Nothing in this section shall prohibit the sale or transfer of ownership of firearm ammunition by a wholesale gun dealer to another wholesale gun dealer or by a wholesale gun dealer to a retail gun dealer, or of ammunition requested by Section 12324 of the Penal Code of the State of California.

(d) Nothing in this section shall prohibit sale to or acquisition by any person described in Section 12302 or 12322 of the Penal Code of the State of California.

(e) The provisions of this section shall not apply to the sale of any firearm ammunition when such sale is prohibited by Sections 12303, 12303.6, 12304 or 12321 of the Penal Code of the State of California, or is otherwise prohibited by Chapter 2.5, Title 2, Part 4, of the Penal Code of the State of California.

#### **55.11. Records of Ammunition Sales.**

(a) The term "firearm ammunition" shall mean any ammunition for use in a pistol, revolver

er or other firearm, as that term is defined in Section 103.314 of this Code.

(b) The term “**vendor**”, as used in this section, shall mean any person who is engaged in the retail sale of firearm ammunition and retail firearms dealers.

(c) No vendor shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Board of Police Commissioners:

1. the date of the transaction,
2. the name, address and date of birth of the transferee,
3. the transferee's drivers license or other identification number and the state in which it was issued,
4. the brand, type and amount of ammunition transferred,
5. the transferee's signature, and
6. the name of the sales person who processed the transaction.

The vendor shall also at the time of purchase or transfer obtain the right thumb print of the purchaser or transferee on the above form.

(d) The records required by this section shall be maintained on the premises of the vendor for a period of not less than two (2) years from the date of the recorded transfer. Said records shall be subject to inspection at any time during normal business hours in accordance with the provisions of Section 103.14 of this Code.

(e) No person shall knowingly make a false entry in, or fail to make a required entry in, or fail to obtain the required thumb print, or fail to maintain in the required manner records prepared in accordance herewith. No person shall refuse to permit a police department employee to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any record or information therefrom by the police department.

(f) The requirements of this section shall not apply to:

1. any person described in Section 12302 or 12322 of the Penal Code of the State of California.
2. any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer.
3. any person who has been issued a permit to carry a concealed weapon under the authority of Section 12050 of the Penal Code of the State of California
4. any security guard licensed under the authority of Section 12033 of the Penal Code of the State of California.
5. any firearms dealer who has been issued a Federal Firearms License, a Certificate of Eligibility by the State of California and a Seller of Firearms Police Permit by the City of Los Angeles.

(g) Violation of this section shall constitute a misdemeanor.

#### **55.13. Sale of Ammunition Clips and Similar Devices.**

(a) No person shall sell or otherwise transfer to any other person a clip, magazine, belt, drum, feed strip or similar device which has a capacity of, or which can be readily restored or converted to accept, more than ten rounds of ammunition.

(b) The provisions of this section shall not apply to:

1. the sale or transfer of such devices to any person described in Section 12302 or 12322 of the Penal Code of the State of California, or
2. the sale or transfer of ownership of such a device by a wholesale gun dealer to another

wholesale gun dealer or by a wholesale gun dealer to a retail gun dealer, or

3. any entity or establishment engaged in the business of motion picture, television, video, theatrical, or re-enactment production, provided the clip, magazine, belt, drum, feed strip or similar device is used solely as a prop in the course of motion picture, television, video, theater, or re-enactment production by an authorized participant therein or by authorized agent or employee of the entity or establishment, and only if the entity or establishment properly secures such clip, magazine, belt, drum, feed strip or similar device from unauthorized use, or

4. any federal, state or local historical society, museum or institutional collection which is open to the public provided any such clip, magazine, belt, drum, feed strip or similar device is properly housed, secured from unauthorized handling and is unloaded.

#### **55.14. Sale or Purchase of More than One Handgun within A Thirty Day Period Prohibited.**

(a) The term “**dealer**” shall mean a retail firearms dealer licensed by the City of Los Angeles.

(b) No person shall make application to a dealer, as provided in Section 12072 of the California Penal Code, to purchase a pistol, revolver or other firearm capable of being concealed upon the person, herein referred to as “handgun”, within thirty (30) days of making a prior application for the purchase of a handgun within the State of California. In computing the thirty (30) day period, the date the application is made shall be counted as the first day.

(c) No dealer shall transfer the title of any handgun to any person whom the dealer knows has made application to purchase more than one handgun within the State of California within a thirty (30) day period prior thereto, nor shall any dealer process a handgun transaction between unlicensed parties pursuant to California Penal Code Section 12072 if the dealer knows that the one receiving the handgun has made application to purchase more than one handgun within the State of California within a thirty (30) day period prior thereto.

(d) No dealer shall transfer the title of any handgun to any person or process a handgun transaction between unlicensed parties pursuant to California Penal Code Section 12072 if the dealer prior to transfer has received notice from the California Department of Justice, herein referred to as the “DOJ,” that DOJ has received an application for that person to purchase a handgun within the State of California within a thirty (30) day period prior thereto. For the purposes of this subsection, the date of application of purchase shall be the date the DOJ receives the Dealer Record of Sale or receives the transmission of required information by any medium of communication authorized under state law.

(e) For the purposes of this section, the redemption of a handgun pledged to a pawnbroker shall not be deemed the sale, purchase or transfer of title of that handgun. However, a dealer may not rely on this exemption unless the purchaser provides proof that the transaction was the redemption of a handgun pawned to a pawnbroker by the purchaser.

(f) Each dealer shall maintain records of each sale of a handgun to include the name of the purchaser, type of handgun, date of sale, and any other information required by the Board of Police Commissioners. Such records shall be maintained on the premises of the dealer for a period of not less than two (2) years and shall be subject to inspection at any time during normal business hours.

(g) Each dealer shall post a sign in a conspicuous place with letters at least one inch high stating the obligations and restrictions of purchasers and dealers under this ordinance, pursuant to direction by the Board of Police Commissioners.

(h) The dealer shall require the purchaser, at the time of application for purchase, to indicate, on a form prescribed by the Board of Police Commissioners, whether he or she has or has not made an application for the purchase of a handgun within the last thirty (30) days, and which if any of the exemptions set forth in Subsection (i) is applicable to the purchaser. If any of the exemptions is checked, the restrictions of this section shall not apply, provided all necessary information is supplied to the dealer. The form shall be signed by the purchaser under penalty of perjury. Such form shall be maintained on the premises of the dealer for a period of not less than two (2) years from the date of signing and shall be subject to inspection at any time during normal business hours.

(i) The provisions of this section shall not apply to the following:

1. Any person who is licensed to sell firearms pursuant to Article 4, commencing with Section 12070, of the Penal Code of the State of California.
2. Any law enforcement agency.
3. Any agency duly authorized to perform law enforcement duties.
4. Any state or local correctional facility.
5. Any private security company licensed to do business in the State of California.
6. Any person who is properly identified as a full-time paid peace officer, as defined in Section 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the State of California, and who is authorized to, and does, carry a firearm during the course and scope of his or her employment as a peace officer.
7. Any antique firearm, as defined in Paragraph (16) of Subsection (a) of Section 921 of Title 18 of the United States Code.
8. Any person or entity who purchases firearms in a collector's series or a bulk purchase from an estate sale.
9. Any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of a handgun, and which secures such handgun from unauthorized use.
10. Any person who is exempt from the waiting period in Subdivision (c) of Section 12072 of the Penal Code of the State of California.
11. Any person who is exempt from the provisions of Subdivision (d) of Section 12072 of the Penal Code of the State of California.
12. Any person or entity conducting a transaction through a law enforcement agency pursuant to Section 12084 of the Penal Code of the State of California.
13. Any person or entity conducting a transaction described in Subdivision (k) of Section 12078 of the Penal Code of the State of California.
14. Any person who is licensed as a collector pursuant to Chapter 44, (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071 of the Penal Code of the State of California.
15. Any person or entity acquiring a handgun by bequest or intestate succession.
16. Any person or entity replacing a single handgun where the handgun was lost or stolen,

and the person reported that firearm lost or stolen to the Los Angeles Police Department or appropriate law enforcement agency and presents the dealer with evidence of such reporting.

17. Any seller's exchange or replacement of a handgun for a handgun purchased from that seller within the thirty (30) day period immediately preceding the date of exchange or replacement.

(j) Violation of Subsection (b) shall be punishable as an infraction subject to a fine of \$50.00 for the first violation of that subsection, as an infraction subject to a fine of \$100.00 for the second violation of the subsection and as a misdemeanor for the third or subsequent violations of that subsection. Each handgun applied for shall be deemed a separate violation.

(k) If any provision of this section is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction within the State of California, such decision shall not affect the validity of the remaining provisions and the City declares that it would have adopted the remaining provisions irrespective of the fact that a provision or provisions are declared Invalid Or Unconstitutional.

#### **55.15. Fingerprinting of Firearms Purchasers.**

(a) As used in this section, the term "firearm" shall mean any pistol, revolver, shotgun, rifle, or other firearm, as that term is defined in Section 103.314 of this Code.

(b) As used in this section, the term "dealer" shall mean any person who is engaged in the retail sale of firearms and any retail firearms dealer, as that term is defined in Section 103.314 of this Code.

(c) No dealer shall sell or otherwise transfer ownership of any firearm without obtaining the right thumb print of the purchaser or transferee on the California Department of Justice Dealer Record of Sale of Firearm worksheet signed by the purchaser or transferee. The thumb print shall be recorded at the lower right hand corner on the back side of the worksheet at the time that the worksheet is signed by the purchaser or transferee.

(d) The thumb print record required by this section shall be maintained on the premises of the dealer throughout the time period during which the Dealer Record of Sale is required to be maintained by the dealer. Such record shall be subject to inspection at any time during normal business hours in accordance with the provisions of Section 103.14 of this Code.

(e) No person shall knowingly fail to obtain a required thumb print, or knowingly fail to maintain the record of a thumb print required by this section. No person shall refuse to permit a law enforcement employee to examine any record prepared in accordance with this section during any inspection conducted pursuant to this section, or refuse to permit the use of any such record or information in such record by a law enforcement agency.

(f) The requirements of this section shall not apply when the purchaser or transferee is any of the following:

(1) Any person described in Section 12302 or 12322 of the California Penal Code;

(2) Any off-duty peace officer who displays proper agency identification which identifies him or her as an active peace officer;

(3) Any person who has been issued a permit to carry a concealed weapon under the authority of Section 12050 of the California Penal Code;

(4) Any security guard licensed under the authority of Section 12033 of the California Penal Code;

(5) Any firearms dealer who has been issued a Federal Firearms License, a Certificate of Eligibility by the State of California, and a Seller of Firearms Permit by the City of Los Angeles.

(g) Any violation of this section shall constitute a misdemeanor.

#### **55.16. Sale of Ultracompact Firearms Prohibited.**

(a) As used in this section, the term "ultracompact firearm" shall mean any pistol, revolver, or other firearm, which has an overall length of six and three quarter inches (6.75") or less or an overall height of four and one half inches (4.5") or less, as measured with the magazine detached.

(b) As used in this section, the term "dealer" shall mean any person who is engaged in the retail sale of firearms and any retail firearms dealer, as that term is defined in Section 103.314 of this Code.

(c) No dealer or other person shall sell, lend, give, transfer ownership of, or otherwise transfer to any other person any ultracompact firearm.

(d) No dealer shall process, pursuant to Penal Code Section 12072(d), any ultracompact firearm transaction between persons not licensed as firearms dealers or not possessing Federal Firearms Licenses.

(e) No dealer or other person shall sell, lend, give, transfer ownership of, or otherwise transfer to any other person any firearm accessory designed to enable or facilitate the carrying of any ultracompact firearm, including but not limited to shoulder holsters, ankle holsters, belt holsters, and other devices designed for the purpose of aiding the concealment of an ultracompact firearm, unless such accessory is designed so that it can be used with a firearm larger than an ultracompact firearm.

(f) The provisions of Subsections (c), (d), and (e) of this section shall not apply when the purchaser or transferee is any of the following:

(1) Any law enforcement agency;

(2) Any agency duly authorized to perform law enforcement duties;

(3) Any state or local correctional facility;

(4) Any private security company licensed to do business in the State of California or employee thereof authorized to carry a firearm within the course and scope of his or her employment with such company;

(5) Any person properly identified as a full-time paid peace officer, as defined in California Penal Code Sections 830.1, 830.2, 830.4, or 830.5, and who is authorized to carry and does carry a firearm within the course and scope of his or her employment as a peace officer;

(6) Any person properly identified as a retired peace officer;

(7) Any person described in Section 12302 or 12322 of the California Penal Code;

(8) Any person with a valid license to carry a concealed weapon issued pursuant to California Penal Code section 12050;

(9) The purchaser of an antique firearm, as defined in Paragraph (16) of Subsection (a) of Section 921 of the United States Code;

(10) The purchaser of a firearm in a collector's series, provided that such firearm falls within the definition of a curio or relic contained in Section 178.11 of Title 27 of the Code of Federal Regulations;

(11) A motion picture, television, or video production company, or an entertainment or theatrical company whose production involves the use of such handgun, provided that the firearm is borrowed or rented for such purpose, that the firearm is secured from unauthorized use during its use for such purpose, and that the firearm is

returned to its owner within a reasonable period of time after it is no longer needed for such use;

(12) Any person who is exempt from the provisions of Subsection (d) of Section 12072 of the California Penal Code;

(13) Any person or entity conducting a transaction described in Subdivision (k) of Section 12078 of the California Penal Code;

(14) Any person licensed as a collector pursuant to Chapter 44 (commencing with Section 921) of Title 18 of the United States Code and regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the state Department of Justice pursuant to Section 12071 of the California Penal Code;

(15) Any person or entity acquiring a firearm by bequest or by intestate succession;

(16) A person redeeming a firearm pledged to a pawnbroker, provided that such person provides proof that he or she is the person who pledged the firearm.

(g) Every dealer shall maintain separate records as to any sales exempted pursuant to Subsection (f) of this section, showing each sale of an ultracompact firearm, including as to each sale the name of the purchaser, type of handgun, date of sale, and documentation of any exemption pursuant to Penal Code Section 12050 or any other exemption set forth in Subsection (f). Such records shall be maintained on the premises of the dealer for a period of not less than two years and shall be subject to inspection at any time during normal business hours in accordance with the provisions of Section 103.14 of this Code.

(h) Any violation of this section shall constitute a misdemeanor.

**[Los Angeles Municipal Code current as of June 30, 2001]**

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## **Los Angeles County Code**

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### **Title 7. Business Licenses Division 2. Specific Businesses Chapter 7.46. Gun Dealers**

**7.46.010. Gun dealer defined.** "Gun dealer" means any person, firm or corporation who sells or otherwise transfers to the public any pistol, revolver, rifle, shotgun, or other firearm, including those persons required by Section 12070(a) of the California Penal Code to obtain a license under California Penal Code Section 12071. "Gun dealer" also includes any person, firm or corporation who purchases, takes in trade or accepts on consignment from the public any firearm of any type, including, but not limited to pistols, revolvers, rifles and shotguns.

**7.46.020. License - Required.** Every gun dealer shall first procure a license and pay an annual license fee in the amount set forth in Section 7.14.010 of this title, under the appropriate heading.

**7.46.030. License - Granted subject to specific conditions.** If a license is granted under this chapter, it shall be subject to the conditions set forth in Penal Code Section 12071, for breach of any of which the license shall be subject to forfeiture.

**7.46.040. Records and reporting requirement.** In addition to properly maintaining all records and documents required by state and federal laws, a gun dealer, upon purchasing, taking in trade or accepting on consignment from the public any firearm of any type, shall comply with



buy-form requirements as enumerated in Part 7 of Chapter 7.76 of this title, beginning with Section 7.76.310. A gun dealer shall also be required to report every sale, lease, or other transfer of a firearm to the sheriff on a form prescribed by the sheriff.

**7.46.050. Inspection.** Upon the request of any designated sheriff representative or any peace officer, a gun dealer shall (1) furnish all records pertaining to the gun dealer's transactions, including, but not limited to, all records required to be maintained by law, and (2) shall permit an inspection of those portions of the licensed premises where the firearms and firearm accessories are located.

**7.46.060. Conditions for granting license.** No license or renewal license shall be issued under this chapter unless, in addition to the requirements set forth in Section 7.46.030 and Section 7.46.040 above, the gun dealer satisfies each of the following conditions:

**A.** The gun dealer, and all officers, employees, and agents of said gun dealer, are at least 21 years of age;

**B.** Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has had a similar type license previously revoked or denied within the immediately preceding two years;

**C.** Neither the gun dealer, nor any officer, employee, or agent of said gun dealer, has been convicted of:

1. Any offense disqualifying said individual from owning or possessing a firearm under applicable federal, state, or local laws,

2. Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon,

3. Any offense involving the use of force or violence upon the person of another,

4. Any offense involving theft, fraud, dishonesty, or deceit,

5. Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health and Safety Code, as said definition now reads or may hereafter be amended to read;

**D.** The gun dealer has a fixed place of business where all licensed activities will be conducted as required by Section 7.04.060 of this code. The storing of all firearms and munitions shall occur at said fixed place of business. Under no circumstance may the address of the fixed place of business be either a United States Post Office box or a private commercial mailbox. The gun dealer shall provide evidence as owner, lessee or other legal occupant of said fixed place of business. The license shall specify the Post Office address of said fixed place of business;

**E.** The gun dealer's fixed place of business shall not be located in any area or district that is zoned for residential use;

**F.** The gun dealer has agreed to indemnify, defend and hold harmless the county of Los Angeles, its officers, agents and employees, from claims arising from the negligent or intentional acts of said gun dealer;

**G.** In connection with every firearm sold, leased, or otherwise transferred by a gun dealer, said gun dealer must also sell or otherwise provide a trigger lock or similar device reviewed and approved by the sheriff that is designed to prevent the unintentional discharge of the firearm;

**H.** The gun dealer has obtained a policy of insurance as provided in Section 7.46.070 below; and

**I.** The gun dealer has complied with the security requirements as provided in Section 7.46.080 below.

#### **7.46.070. Liability insurance.**

**A.** No license or renewal license shall be issued under this chapter unless the gun dealer carries and maintains in full force and effect a policy of insurance, as described in this subsection, in a form approved by the county of Los Angeles and executed by an insurance company admitted to do business in the state of California. This policy of insurance shall insure the gun dealer against liability for damage to property and for injury to or death of any person as a result of the sale, lease, or transfer, or the offering for sale, lease, or transfer, of a firearm. The minimum liability limits shall not be less than \$1,000,000.00 for each incident of damage to property or incident of injury or death to a person. The policy shall name the county of Los Angeles as an additional insured.

**B.** The policy of insurance shall contain an endorsement providing that said policy shall not be canceled until notice in writing has been given to the office of the treasurer and tax collector at least 30 days prior to the time the cancellation becomes effective.

**C.** If at any time the gun dealer's policy of insurance expires, said gun dealer's license under this chapter will automatically be suspended pursuant to Section 7.08.240 and Section 7.08.250 of this code.

#### **7.46.080. Security requirements.**

**A.** No license or renewal license shall be issued under this chapter unless the gun dealer adheres to security measures as required by the sheriff. These security measures shall include, but not be limited to, the following:

1. The provision of adequate lighting, secure locks, windows, and doors, and fire and theft alarms, as each such item is specified and approved by both the sheriff and the fire department; and

2. The storing of all firearms and munitions on the premises out of reach of customers in secure, locked facilities, so that access to firearms and munitions shall be controlled by the gun dealer or employees of the gun dealer to the exclusion of all others.

**B.** Upon written request by the gun dealer, the sheriff may approve alternative security measures which he/she determines will provide equivalent or superior security to the premises as the measures required under subsection A above.

**7.46.095. Officers, employees and agents of gun dealers defined.** Any reference in this chapter to an officer, employee or agent of a gun dealer shall apply only to those persons who directly participate in firearm sale transactions.

**7.46.100. Penalty.** Any gun dealer violating the provisions of this chapter is guilty of a misdemeanor, punishable by a fine not to exceed \$1,000.00, or imprisonment for a term not to exceed six months, or both. This penalty is in addition to all other penalties provided by law, and to the immediate revocation of the gun dealer's license granted under this chapter.

### **Title 13. Public Peace, Morals and Welfare Division 8. Weapons**

#### **Chapter 13.67. Prohibition on the Sale of Firearms and Ammunition on County Property**

**13.67.030. Prohibition.** The sale of firearms and/or ammunition on county property is prohibited.

**13.67.040. Definitions.** As used in this chapter, the words hereinafter defined are used as so

defined unless it is apparent from the context that a different meaning is intended.

**A. County Property.** "County property" includes real property owned, leased, subleased, or otherwise assigned by the county, or real property subject to the use and control of the county. It includes real property of the county in the possession of a public or private entity under contract with the county. By way of example, it includes all public buildings and the surrounding grounds owned or leased by the county in the unincorporated and incorporated portions of the county, such as the Los Angeles County Fairgrounds in the city of Pomona.

**B. Firearm.** "Firearm" includes all devices described in California Penal Code Section 12001, including, but not limited to, any gun, pistol, revolver, rifle or any device, designed or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion. "Firearm" does not include any instrument as referred to in Government Code Section 53071.5.

**C. Ammunition.** "Ammunition" is any ammunition as defined in California Penal Code Section 12316(b)(2).

**D. Peace Officer.** "Peace officer" is any person who is a peace officer as defined in Title 3, Part 2, Chapter 4.5 of the California Penal Code (Sections 830, et seq.).

**E. Sale.** A "sale" is any transaction, with or without the exchange of consideration, which transfers ownership, title, possession, or control of any firearm, or gives, loans, leases, or delivers a firearm. A "sale" includes the act of placing an order for any of the aforementioned transfers. The act of displaying a firearm shall not constitute a sale for purposes of this chapter.

**13.67.050. Exceptions.** Section 13.67.030 shall not apply to the sale of any firearm by a peace officer when on duty and the sale of such firearm is within the scope of his/her duties. In addition, said section shall not apply to: (A) either the sale of ammunition, or the rental of any firearm, for on-site recreational use, at the Whittier Narrows Trap and Skeet Range within the Whittier Narrows Regional Park; or (B) to the public administrator in the distribution of a private estate or to the sale of firearms by its auctioneer to fulfill its obligations under state law.

**13.67.060. Penalty.** Every violation of this chapter shall constitute a misdemeanor.

[Current through Los Angeles County Ord. 2001-0091]

## **Oakland Municipal and Planning Codes**

### **Title 5. Business Licenses and Regulations Chapter 5.26. Firearms Dealers**

**5.26.010. Title.** This chapter shall be known as the firearms dealer permit ordinance.

**5.26.030. Definitions.** The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Engaged in the business" means the conduct of a business by the selling, transferring, or leasing of any firearm; or the preparation for such conduct of business as evidenced by the securing of applicable federal or state licenses; or the holding of one's self out as engaged in the business of selling, transferring, or leasing of any firearm, or the selling, transferring, or leasing of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.



**"Firearm"** means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

**"Firearms dealer"** means a person engaged in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm.

**"Person"** means natural person, association, partnership, firm, or corporation.

**5.26.040. Permit required.** It is unlawful for any person, partnership, cooperative, corporation, firm, or association to engage in the business of operating or managing any business which sells, transfers, leases, or offers or advertises for sale, transfer, or lease, any firearm without first obtaining a firearms dealer permit from the Chief of Police of the Oakland Police Department.

**5.26.050. Application - Forms, fees.** An applicant for a permit under this chapter shall file with the Chief of Police a sworn application in writing, on a form to be furnished by the city. The applicant shall provide all information requested, including proof of compliance with all applicable federal, state, and local laws when required by the Chief of Police, or the application will not be deemed complete. The application shall be accompanied by a nonrefundable fee as set forth in the city municipal license/permit fee schedule. To the extent practicable, the fee amount shall reflect the cost of enforcing the requirements of this chapter.

**5.26.080. Security.** In order to discourage the theft of firearms stored on the premises of a firearms dealer, any business licensed under this chapter must adhere to security measures as required by the Chief of Police. Security measures shall include but not be limited to:

**A.** The provision of secure locks, windows and doors, adequate lighting, and alarms as specified by the Chief of Police;

**B.** Storing of all firearms on the premises out of the reach of customers in secure, locked facilities, so that access to firearms shall be controlled by the dealer or employees of the dealer, to the exclusion of all others.

**5.26.110. Permit - Assignment.** The assignment or attempt to assign any permit issued pursuant to this chapter is unlawful and any such assignment or attempt to assign a permit shall render the permit null and void.

**5.26.120. Permit - Conditions.** Any permit issued pursuant to this chapter shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the permit by the Chief of Police:

**A.** The business shall be carried on only in the building located at the street address shown on the license.

**B.** The Permittee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 and subdivision (b) of Section 12072 of the California Penal Code, to the extent that the provisions remain in effect. Any permit issued pursuant to this chapter shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this chapter.

**C.** The permittee shall not sell, lease or otherwise transfer a firearm without also selling or otherwise providing with each firearm a trigger lock or similar device approved by the Chief of Police that is designed to prevent the unintentional discharge of firearm. The trigger lock or similar device required to be sold pursuant to this subsection must be attached to each firearm prior to completion of the sales transaction.

**D.** The permittee shall post conspicuously within the licensed premises the following warning in block letters not less than one inch in height as per Penal Code Section 12071(b)(11): IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON

**E.** Persons Under the Age of Eighteen Excluded from Establishments Displaying Firearms. No person who maintains or operates any place of business in which firearms are kept, displayed or offered in any manner, sold, furnished or transferred shall permit the entry into the premises of persons under the age of 18 years, unless all firearms and firearms accessories are completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of eighteen years are excluded. Each entrance to such a room or enclosure shall be signposted in block letters not less than one inch in height to the effect that firearms are kept, displayed or offered in such room or enclosure and that persons under the age of eighteen are excluded.

A person who maintains or operates any place of business that openly displays firearms without providing for separate enclosures therefor, must prevent entry into the premises of persons prohibited by age under state law from purchasing firearms. The entrance to the establishment shall be signposted in block letters not less than one inch in height to the effect that firearms are kept, displayed or offered on the premises and that persons under the age of eighteen are excluded.

The person who maintains or operates any place of business in which firearms are kept, displayed or offered in any manner, sold, furnished or transferred, and his employees, agents, and persons acting under his authority, are each and together separately and jointly responsible for requiring bona fide evidence of identity of persons to prevent the entry of persons not permitted to purchase a firearm under state law by reason of age. Bona fide evidence of identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency therefor, including, but not limited to, a motor vehicle operator's license or an identification card issued to a member of the Armed Forces, which contains the name, date of birth, description, and picture of the person.

**F.** Persons Under the age of Twenty-one Excluded from Establishments Displaying Concealable Firearms. No person who maintains or operates any place of business in which concealable firearms are kept, displayed or offered in any manner, sold, furnished or transferred shall permit the entry into the premises of persons under the age of twenty-one years, unless all concealable firearms and concealable firearms accessories are completely and wholly kept, displayed or offered within a separate room or enclosure to which persons under the age of twenty-one years are excluded. Each entrance to such a room or enclosure shall be signposted in block letters not less than one inch in height to the effect that firearms are kept, displayed or offered in such room or enclosure and that persons under the age of twenty-one (21) are excluded.

A person who maintains or operates any place of business that openly displays concealable firearms without providing for separate enclosures therefor, must prevent entry into the premises of persons prohibited by age under state law from purchasing concealable firearms. The entrance to the establishment shall be signposted in block letters not less than one inch in

height to the effect that firearms are kept, displayed or offered on the premises and that persons under the age of twenty-one (21) are excluded.

The person who maintains or operates any place of business in which concealable firearms are kept, displayed or offered in any manner, sold, furnished or transferred, and his employees, agents, and persons acting under his authority, are each and together separately and jointly responsible for requiring bona fide evidence of identity of persons to prevent the entry of persons not permitted to purchase concealable firearms under state law by reason of age. Bona fide evidence of identity of the person is a document issued by a federal, state, county, or municipal government, or subdivision or agency therefor, including, but not limited to, a motor vehicle operator's license or an identification card issued to a member of the Armed Forces, which contains the name, date of birth, description, and picture of the person.

**G.** Persons Prohibited from Possessing Firearms Excluded from Establishments Displaying Firearms. Persons prohibited from possessing or purchasing firearms pursuant to California Penal Code Section 12021 shall not enter into or loiter about any firearms dealership, defined as a place of business in which firearms are openly kept, displayed or offered in any manner, sold, furnished or transferred pursuant to Penal Code Section 12070. Each entrance to such an establishment shall be signposted in block letters not less than one inch in height to the effect that persons prohibited from possessing firearms pursuant to Penal Code Section 12021 are excluded from the premises.

When a firearms dealer displays or offers for sale firearms within a separate room or enclosure that segregates the firearms and firearms related accessories (including but not limited to, ammunition clips, bullets and holsters) from other general merchandise, each entrance to such a separate room or enclosure shall be signposted in block letters not less than one inch in height to the effect that persons prohibited from possessing firearms pursuant to Penal Code Section 12021 are excluded from entering the separate rooms or enclosures.

Any dealer engaging in the business of selling, transferring, or leasing, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm within the city who knowingly violates the provisions of Section 5.26.120G, or fails to adhere to the notice provisions of Section 5.26.120G, shall be subject to the penalty provisions of the Oakland Municipal Code, Chapter 5.26, including but not limited to suspension and/or revocation of his or her permit to sell firearms.

Any person prohibited from possessing firearms pursuant to Penal Code Section 12021 who enters into or loiters about firearms dealership in Oakland that has been properly posted pursuant to this section is guilty of a misdemeanor.

**5.26.130. Permit - Grounds for revocation.** In addition to any provisions constituting grounds for denial shall also constitute grounds for revocation.

**5.26.150. Permit - Liability insurance.** No permit shall be issued or continued pursuant to this chapter unless there is in full force and effect a policy of insurance in such form as the City Attorney deems proper, executed by an insurance company approved by the City Attorney whereby the applicant or permittee is insured against liability for damage to property and for injury to or death of any person as a result of the

sale, transfer or lease, or advertising for sale, transfer, or lease, or offering or exposing for sale, transfer, or lease, any firearm. The minimum liability limits shall not be less than one million dollars (\$1,000,000.00) for damage to or destruction of property in any one incident, and one million dollars (\$1,000,000.00) for the death or injury to any one person; provided, however, that additional amounts may be required by the City Attorney if deemed necessary.

Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the city, addressed in care of the Chief of Police, 455 - 7th Street, Oakland, California, 94607, at least thirty (30) days immediately prior to the time such cancellation becomes effective. Further, such policy of insurance shall name the city, its officers, agents, and employees as additional insureds. Additionally, applicants and permittees shall indemnify, defend, and hold harmless the city, its officers, agents, and employees, from claims arising from the negligence of the applicant or permittee.

**5.26.160. Permit to inspect.** Any and all investigating officials of the city shall have the right to enter the building designated in the permit from time to time during regular business hours to make reasonable inspections to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, and provisions of this chapter. A police investigator may conduct compliance inspections to insure conformance to all federal, state, and local law, and all provisions of this chapter.

**5.26.180. Temporary suspension of permit to sell firearms.**

**A.** If the dealer violates any federal, state and local county or city law, the Chief of Police may immediately suspend the right of the dealer to sell firearms. This temporary suspension will not exceed three days, if the violation results in a criminal charge filed in court by a federal, state, or county District Attorney such permit to sell firearm may be suspended until the case is adjudicated in a court of law.

**B.** Notice of suspension shall be mailed to the person(s) who made application for the permit and shall be delivered to the address listed on the permit.

## **Title 9. Public Peace, Morals and Welfare**

### **Chapter 9.20. Ammunition Sales Registration**

**9.20.010. Title.** This chapter shall be known as the ammunition sales registration ordinance.

**9.20.020. Findings and purpose.** The City Council finds that the state of California has not preempted the enactment of a municipal ordinance requiring the registration of ammunition sales in Oakland, and further finds that the availability of such ammunition sales records can aid the police department in investigations of major crimes involving the use of firearms. The intent of the City Council in enacting the ordinance codified in this chapter is to implement a requirement that ammunition vendors within the city record and maintain records with respect to each individual purchase of ammunition, so that the purchaser can be traced in the event the ammunition were used in the commission of criminal activity.

**9.20.030. Definitions.** As used in this chapter:

**"Ammunition"** means a projectile designated to be expelled by force of an explosion, and intended for use in any firearm, including pistols, revolvers, rifles, and shotguns.

**"Vendor"** means any individual, person, gun dealer, store, firm or corporation selling ammunition within the city of Oakland.

**9.20.040. Record of ammunition sales.** Every vendor who sells ammunition in the city shall maintain a record of ammunition sales as prescribed by this chapter. The record shall be maintained on the vendor's premises, on forms supplied by, or approved by, the Oakland Police Department (OPD). An ammunition purchaser must provide to the vendor and the vendor shall record the following information:

- A.** The date of the transaction;
- B.** The purchaser's name, address and date of birth;
- C.** The purchaser's valid driver's license number or other identification number from a valid photographic I.D. such as a passport;
- D.** The brand of ammunition purchased;
- E.** The type and amount of ammunition purchased; and
- F.** The purchaser's signature and vendor's initials.

The information required to be recorded shall be maintained in chronological order by date of sale of the ammunition and shall be retained on the business premises of the vendor for a period not less than two years following the date of the recorded sale of the ammunition.

Oakland police officers may enter a vendor's premises during regular business hours for the purpose of examining, inspecting or copying records required by this chapter.

**9.20.050. Violation - Penalty.** It is unlawful for any vendor engaged in the retail sale of ammunition in Oakland to knowingly make a false entry in, or fail to make appropriate entry, or fail to properly maintain any such record, or refuse to immediately provide the ammunition sales log for inspection to a police officer upon request.

Violation of any provision of this chapter shall be a misdemeanor, subject to fines and penalties as provided by law. Additionally, failure to abide by the requirements of this chapter shall be grounds for the revocation of a vendor's firearms dealer license, pursuant to Chapter 5.26 of this code.

## **Chapter 9.36. Weapons**

### **Article II. Firearms and Weapons Violence Prevention**

**9.36.050. Title.** This article shall be known as the firearms and weapons violence prevention ordinance.

**9.36.070. Definitions.** The following words and phrases, wherever used in this article, shall be construed as defined in this section:

**A. "Firearms"** means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of an explosion or other form of combustion.

**B. "Projectile weapon"** means any device or instrument used as a weapon which launches or propels a projectile by means other than the force of an explosion or other form of combustion with sufficient force to cause injury to persons or property. A projectile weapon shall include, but not be limited to, air gun, air pistol, air rifle, gas-operated gun, BB gun, pellet gun, flare gun, dart gun, bow, cross-bow, slingshot, wrist rocket, blow gun, paint gun, or other similar device or instrument.

**9.36.090. Enforcement.** Violations of this article shall result in arrest as a misdemeanor. The District Attorney shall review the circumstances surrounding the violation and shall charge the

violation either as an infraction or as a misdemeanor, except that:

**A.** Violation of this article for a second or subsequent offense shall be chargeable as a misdemeanor only, and the penalty for conviction of the same shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than one year, or by both.

**B.** Violation of this article occurring within one thousand five hundred (1,500) feet of a day care center, school or school yard, whether public or private, shall be a misdemeanor, and the penalty for conviction of the same shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period of not more than one year, or by both.

**C.** A person shall be guilty of a separate offense for each and every firing of a projectile weapon or discharge of a firearm, and shall be punished accordingly.

**D.** Juveniles arrested pursuant to this section shall be subject to Section 602 of the Welfare and Institutions Code.

**9.36.100. Parental responsibility for minors.** Any parent or legal guardian, of a person over the age of eighteen (18), is also guilty of an offense punishable in accordance with Section 9.36.090 if he or she knows or reasonably should know that a minor is likely to gain access to a firearm or a projectile weapon kept within any premises or vehicle which is under his or her custody or control, and a minor obtains and fires or discharges the firearm or projectile weapon within the city, in violation of Section 9.36.080.

**9.36.130. Projectile weapons - Possession of by minors.**

**A.** It is unlawful for any person under the age of eighteen (18) to have in his or her possession within the city limits of Oakland any projectile weapon, as defined in Section 9.36.070. Violation of this provision shall be punishable in the manner provided in Section 9.36.090D.

**B.** It is unlawful for any parent or legal guardian, or any person over the age of eighteen (18) years, to sell, give or loan to any minor in the city under the age of eighteen (18) years, or to allow such minor to possess, any device or instrument capable of launching a projectile, and/or the projectiles specifically intended to be launched by said device or instrument, as defined hereinabove. Violation of this provision shall be punishable in the manner provided in Section 9.36.090.

**C.** Any device or instrument capable of launching a projectile, and/or the projectiles specifically intended to be launched by said device or instrument, which is in possession of a minor in violation of this article, is declared to be a nuisance, and shall be surrendered to the Police Department of the city. The Police Department, except upon the certificate of a judge of a court of record or of the District Attorney of Alameda county that the preservation thereof is necessary or proper to the ends of justice, shall destroy any such device or instrument.

## **Article III. Prohibition on the Sale of Saturday Night Specials, Also Known as Junk Guns**

**9.36.150. Title.** This article shall be known as the city Saturday night special/junk gun sales prohibition and may be so cited.

**9.36.160. Purpose and intent.** The purpose of this article is to ensure the health, safety, and general welfare of city citizens by eliminating the

sale of cheaply made, inadequately designed and poorly manufactured handguns in the city.

**9.36.170. Saturday night special defined.**

A. Except as provided in subsection B of this section, term "Saturday night special" as used in this article means any of the following:

1. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in the California Penal Code Section 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength;

2. A semi-automatic pistol which:

a. It is not originally equipped by the manufacturer with a locked-breech action, and

b. Is chambered for cartridges developing maximum permissible breech pressures above twenty-four thousand one hundred (24,100) Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute,

c. For purpose of subsection (A)(2)(b) of this section, "semi-automatic pistol" means a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber, (ii) ejects the fired cartridge case, and (iii) loads a cartridge from the magazine into the chamber. "Semi-automatic pistol" shall not include any assault weapons designated in California Penal Code Section 12276;

3. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:

a. Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum safe permissible breech pressures below nineteen thousand (19,000) Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute, and

b. Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above nineteen thousand (19,000) Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute, and

c. Is not originally equipped by the manufacturer with a nondetachable trigger guard, or

d. If rimfire, is equipped with a barrel of less than twenty (20) bore diameters in overall length protruding from the frame,

e. For purposes of this subsection (A)(3), "action mechanism" means the mechanism of a firearm by which it is loaded, locked, fired and unloaded commonly known as the cycle of operation.

B. Exclusions. The term "Saturday night special" does not include any of the following:

1. Any pistol which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5), (7) and (8) of subsection (b) of California Penal Code Section 12020; or

2. Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion; or

3. Children's pop guns or toys; or

4. An "unconventional pistol" as defined in California Penal Code Section 12020(c)(12); or

5. Any pistol which has been modified to either: render it permanently inoperable, or per-

manently to make it a device no longer classified as a Saturday night special.

**9.36.180. Roster of Saturday night specials.** On or before January 1, 1997, the Chief of Police or his or her designee shall compile, publish, and thereafter maintain a roster of Saturday night specials. The roster shall list those firearms, by manufacturer and model number, which the Chief of Police or his or her designee determines fit the definition of Saturday night special set forth in Section 9.36.170A.

**9.36.190. Notification.**

A. Upon completion of a list of firearms to be placed on the roster for the first time, the Police Chief or his or her designee shall endeavor to send written notification to:

1. The manufacturer of every firearm on said list; and

2. Every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the state of California and Chapter 5.26 of this code.

B. Such notification shall do the following:

1. Identify the model number of the firearm which has been classified as a Saturday night special within the meaning of Section 9.36.170A; and

2. Advise the recipient that the recipient may apply for reconsideration of the classification of the firearm as a Saturday night special; and

3. Advise the recipient that the burden of proving a firearm does not constitute a Saturday night special within the meaning of Section 9.36.170A shall be on the recipient.

**9.36.220. Publication of the roster.** The Chief of Police or his or her designee shall place on the roster those firearms which have been determined to constitute a Saturday night special within the meaning of Section 9.36.170A. The Chief of Police or his or her designee shall cause the roster to be published in the following manner:

A. Notification of the roster's completion shall be published at least once in the official newspaper as designated by the city and circulated in the city within fifteen (15) days after its completion; and

B. A copy of the roster, certified as a true and correct copy thereof, shall be filed in the office of the City Clerk of the city; and

C. A copy of the roster, certified as a true and correct copy thereof, shall be distributed to every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the state of California and Chapter 5.26 of the municipal code.

**9.36.250. Sale prohibited.** After January 1, 1997, no wholesale or retail firearms dealer as licensed by the city in Chapter 5.26 of the municipal code shall sell, offer or display for sale, give, lend or transfer ownership of, any firearm listed on the roster of Saturday night specials. This section shall not preclude a wholesale or retail gun dealer from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code of the state of California.

**9.36.260. Exemptions.** Nothing in this article relative to the sale of Saturday night specials shall prohibit the disposition of any firearm by sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties, nor to persons who are authorized by the United States Federal Government for use in the performance of their official duties; nor shall anything in this article prohibit the use of any firearm by the above-mentioned persons in the performance of their official duties.

**9.36.270. Penalty.** Any person violating any of the provisions of this article shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this article shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for a period not exceeding six months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this article is committed, continued or permitted by such person and shall be punishable accordingly. In addition, any person found to be in violation of this Article shall be considered in noncompliance with the requirements of Chapter 5.26 of this code, and subject to the suspension and or revocation of a firearms dealer permit.

**Article V. Prohibition on the Sale of Compact Handguns**

**9.36.400. Title.** This article shall be known as the City of Oakland Compact Handgun Sales Limitation Act.

**9.36.410. Purpose and intent.** The purpose and intent of this article is to provide for the health, safety, and general welfare of the citizens of Oakland by prohibiting the sale of compact firearms in Oakland.

**9.36.420. Definitions.**

A. "Dealer" means a retail firearms dealer licensed by the city.

B. "Compact handgun" means a pistol, revolver, and any handgun designed to be concealed upon the person that has a length of six and three quarter inches (6.75") or less or a height of four and one-half inches (4.5") or less, measured with the magazine detached.

**9.36.430. Prohibition on the sale of compact handguns.** As of the effective date of this article:

A. No firearms dealer in Oakland shall transfer the title of any compact handgun as defined herein to any person. This section shall not preclude a wholesale or retail gun dealer from processing firearms transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code of the state of California.

B. For the purposes of this section, the redemption of a compact handgun covered by this article pledged to a pawnbroker prior to the effective date of this ordinance shall not be deemed the sale or transfer of title of that handgun. However, a dealer may not rely on this exemption unless the transaction involved the redemption of a handgun pawned to a pawnbroker by the purchaser.

C. Each dealer shall post a sign in a conspicuous place with letters at least one inch high stating the obligations and restrictions of dealers under this ordinance, pursuant to direction by the Oakland Police Department.

D. The provisions of this section shall not apply to the following:

1. Any law enforcement agency;

2. Any agency duly authorized to perform law enforcement duties;

3. Any state or local correctional facility;

4. Any private security company licensed to do business in the state of California;

5. Any person who is properly identified as a full-time paid peace officer, as defined in Section 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the state of California, and who is authorized to carry a firearm during the course and scope of his or her employment as a peace officer;

6. Any antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code;

7. Any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of an ultracompact firearm, and which secures such from unauthorized use;

8. Any person who is exempt from the provisions of subdivision (d) of Section 12072 of the Penal Code of the state of California;

9. Any person or entity conducting a transaction described in subdivision (k) of Section 12078 of the Penal Code of the state of California;

10. Any person who is licensed as a collector pursuant to Chapter 44, (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071 of the Penal Code of the state of California;

11. Any person or entity acquiring a compact handgun by bequest or intestate succession.

**9.36.440 Penalties.** Violation of this article by a firearms dealer shall subject the dealer to civil penalties as provided for in Chapter 1.8 and 1.12 of the OMC, and in addition shall subject the dealer to suspension or revocation of the dealer's firearms dealer permit. Each instance wherein a compact handgun is sold, conveyed, transferred or distributed in violation of this article shall be deemed a distinct and separate offense.

[Current through Oakland Ord. 12354 & July 2001 code update]

## Riverside County Code

### Title 4. Revenue and Finance Chapter 4.68. Miscellaneous Fees

**4.68.240. Fee schedule for the issuance of concealed weapon permit.**

A. The board of supervisors establishes the following schedule of fees for the issuance of a concealed weapon permit by the sheriff of the county:

Description	Fee
Training fee for issuance of new permit	\$76.89
Training fee for renewal Permit	\$40.92
Fee for issuance of new permit (in addition to training fee)	\$100.00
Fee for issuance of renewal permit (in addition to training fee)	\$25.00
Fee to update a permit	\$10.00
Psychological testing	See § 2.

B. The sheriff of the county is authorized to charge the applicant for the actual cost of any psychological testing required for the initial application, in an amount not to exceed one hundred fifty dollars (\$150.00). The applicant would be referred to the same psychologist as used by the county for the testing of employees. Applicants applying for a renewal license shall be required to have psychological testing only if there is compelling evidence to indicate that a test is necessary. The cost of the additional testing shall not exceed one hundred fifty dollars (\$150.00).

C. The sheriff of the county is authorized to charge and collect the fees established by this section. The sheriff may waive the fees established in this section for members of the sheriffs

reserve unit, judicial officers, or when the sheriff determines there is good cause for the fee to be waived.

### Title 9. Public Peace, Morals and Welfare Chapter 9.20. Firearms Article 2. Use and Discharge by Minors

**9.20.100. Firearm defined.** The word "firearm," as used in this article, includes the following: cannon, gun, pistol, revolver, automatic pistol, rifle, shotgun, air gun, pellet gun and any other weapon designed to discharge one or more projectiles propelled by the expansion of gas.

9.20.110 Discharge unlawful - Exceptions. It is unlawful for any person under the age of eighteen (18) years to shoot or discharge a firearm in the unincorporated territory of the county unless such person: (a) holds and has in his or her possession a permit issued by the county as hereinafter provided; or (b) is in the company of a parent, guardian or other adult person having responsibility for his or her conduct; or (c) holds and has in his or her possession a current valid hunting license issued pursuant to law.

[Riverside County Code current through Ord. 813 & Sept. 2001 code update]

## Sacramento City Code

### Title 5. Business Licenses and Regulations Chapter 5.64. Firearm and Ammunition Sales

#### 5.64.010. Definitions.

"Applicant," when the applicant is other than a natural person, includes any officer, director, employee or agent of the applicant who may be engaged in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition.

"Engaging in the business" means the conduct of a business by the selling, leasing or transferring of any firearm or firearm ammunition; or the preparation for such conduct of business as evidenced by the securing of applicable federal or state licenses; or the holding of one's self out as engaged in the business of selling, leasing or otherwise transferring of any firearm or firearm ammunition, or the selling, leasing or transferring of firearms in quantity, in series, or in individual transactions, or in any other manner indicative of trade.

"Firearm" means any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile through a barrel by the force of an explosion or other form of combustion.

"Firearm ammunition" means any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

#### 5.64.020. License requirement and penalty for violation.

A. It is unlawful for any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition, to sell, lease or otherwise transfer any firearm or firearm ammunition, without first having obtained a license from the chief of police. Gunsmiths, crafts makers and firearms collectors shall not be required to obtain such a license unless they sell, lease or transfer firearms. The chief of police shall make available application forms requiring applicants to provide

the information set forth in Section 5.64.030 of this chapter, and shall collect a nonrefundable application fee from each applicant. Upon receiving the application fee, the chief of police shall issue a receipt to the applicant showing that such application fee has been paid. The issuance of such a receipt shall not authorize an applicant to engage in the sale, lease, or other transfer of firearms or firearm ammunition until the necessary license has been lawfully issued.

B. The application fee shall be established by resolution of the city council and shall be the exclusive source of city funds from which recovery of all costs associated with this chapter may be obtained, including but not limited to, processing applications, monitoring licensees, and enforcing the provisions of this chapter.

C. Any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm or firearm ammunition to sell, lease, or otherwise transfer any firearm or firearm ammunition without first having obtained a license from the Sacramento police department or, once having obtained a license, violates any of the conditions set forth in Section 5.64.110 of this chapter or continues to engage in the business after such license is revoked or suspended, shall be in violation of this chapter and guilty of a misdemeanor, punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding one thousand dollars (\$1,000.00), or by both. The chief of police shall prescribe a form on which the chief of police shall inform the California Department of Justice that such violators do not meet the state requirements for gun licensees or dealers pursuant to Penal Code Section 12071(a)(1).

**5.64.080. Nonassignability of license.** The assignment of any license issued pursuant to this chapter is unlawful and any such assignment shall render the license null and void. In addition, the attempt to transfer or assign any license issued pursuant to this chapter shall be further grounds for revocation.

**5.64.090. Security.** Each business licensed under this chapter shall meet the requirements of a "secure facility" pursuant to Section 12071 (c)(3) of the California Penal Code.

#### 5.64.100. Application for employee work permit.

A. Each employee who engages in the sale, lease or other transfer of firearms or firearm ammunition must obtain either of the following: (1) a valid employee work permit from the chief of police; or (2) a valid certificate of eligibility issued by the California Department of Justice. The work permit requirement does not apply to employees at gun shows that are properly licensed under state and federal law.

B. The application for an employee work permit for an employee engaged in the sale, lease or other transfer of firearms or firearm ammunition shall be submitted to the chief of police on a form provided by the chief of police. Prior to submitting such application, a nonrefundable fee as established by resolution of the city council shall be paid to the chief of police to defray, in part, the cost of investigation and report required by this section. The chief of police shall issue a receipt to the employee showing that such permit application fee has been paid. The issuance of such a receipt shall not authorize an employee to engage in the sale, lease or other transfer of firearms or firearm ammunition until the necessary work permit has been lawfully granted.

C. The application to the chief of police shall be signed under penalty of perjury and set forth the following information:

1. The name, age and address of the employee;

2. The business name and address of the employer;

3. All convictions of the applicant for any misdemeanor or felony;

4. All information relating to licenses or permits relating to firearms or other weapons sought by the applicant from other jurisdictions, including, but not limited to the date(s) of application(s) and whether each such application resulted in issuance of a license or permit;

5. All information relating to suspension(s) or revocation(s) of licenses or permits relating to firearms, including but not limited to the date and circumstances of the suspension(s) or revocation(s);

6. Other reasonable conditions deemed appropriate by the chief of police.

D. The chief of police shall take the fingerprints of the employee and shall confirm the information submitted.

E. The chief of police shall act upon and either approve or deny the application for an employee work permit at the earlier of the following: (1) within one hundred eighty (180) days of receipt of the application; or (2) within fifteen (15) days of receipt of fingerprint verification by the State Department of Justice.

F. The chief of police shall deny the issuance of an employee work permit when any of the following conditions specified in Sections 5.64.060(D) through (G) of this chapter exist.

G. Duration and renewal of work permit. Unless revoked on an earlier date, all employee work permits issued pursuant to this chapter shall expire one year after the date of issuance; provided, however, that such work permits may be renewed by the chief of police for additional one-year periods upon the approval of an application for renewal by the chief of police and payment of the renewal fee established by resolution of the city council. Such renewal application shall set forth the information listed herein, and must be received by the chief of police, in completed form, no later than forty-five (45) days prior to the expiration of the current employee work permit.

H. Nonassignability. The assignment of any employee work permit issued pursuant to this chapter is unlawful and any such assignment shall render the license null and void. In addition, the attempt to transfer or assign any employee work permit issued pursuant to this chapter shall be further grounds for revocation.

I. Grounds for Revocation of Work Permit. In addition to any other provisions of this section, any circumstances constituting grounds for denial of an employee work permit shall also constitute grounds for revocation of an employee work permit.

**5.64.110. License - Conditions.** In addition to all other requirements and conditions stated in this chapter, each licensee shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause of revocation of the license by the chief of police:

A. The business shall be carried on only in the building located at the street address shown on the license, except for gun shows as permitted under state and federal law.

B. The licensee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, as those sections now read or may hereafter be amended to read.

C. The licensee shall verify that each employee engaged in the sale, lease or other transfer of any firearm or firearm ammunition has obtained either of the following: (1) a valid employee work

permit from the chief of police; or (2) a valid certificate of eligibility issued by the California Department of Justice. An employee shall not engage in the foregoing activities if a work permit is denied or revoked by the chief of police. A licensee who permits an employee to work without a valid work permit or valid certificate of eligibility shall be in violation of this section.

D. The licensee shall not sell, lease or otherwise transfer any firearm, except for leases or transfers for theatrical purposes, without also selling or otherwise providing with each firearm a nonreturnable trigger lock. If the use of a trigger lock on a particular type of firearm is infeasible, then the licensee shall do the following: (1) demonstrate such infeasibility to the satisfaction of the chief of police; and (2) make available for sale a similar device, which is approved by the chief of police, that is designed to prevent the unintentional discharge of the firearm.

E. The licensee shall not sell, offer to expose for sale, give, lease or otherwise transfer to any person, any ammunition feeding device with the capacity to accept more than ten (10) rounds of ammunition.

F. The licensee shall not sell, lease or otherwise transfer any firearm to any person whom the licensee reasonably believes is within any of the classes prohibited by California Penal Code Sections 12021 or 12021.1 or California Welfare and Institutions Code Sections 8100 to 8103, inclusive, as those sections now read or may hereafter be amended to read.

G. The licensee shall comply with all federal, state, and local laws, and all provisions of this chapter.

Any license issued pursuant to this title shall be subject to such additional conditions as the chief of police finds are reasonably related to the purpose of this chapter.

**5.64.120. Grounds for revocation.** In addition to any other provisions of this chapter, any circumstances constituting grounds for denial of a license shall also constitute grounds for revocation of a license.

**5.64.150. Authority to inspect.** Any and all investigating officials of the city shall have the right to enter the building and entire premises designated in the license from time to time during regular business hours to make reasonable inspections and to observe and enforce compliance with building, mechanical, fire, electrical, or plumbing regulations to the extent provided by law. Police department employees, as designated by the chief of police, may conduct compliance inspections to insure conformance with all federal, state, and local laws, and all provisions of this chapter.

**5.64.170. Delivery to revenue manager.** Upon granting said license, the police department shall forward said license to the revenue manager, who shall issue said license to the applicant upon payment of the license fee, payable in advance.

**5.64.180. Rules and regulations.** The chief of police is authorized to promulgate such rules and regulations after noticed hearing as will enable the police department to effectuate the purposes of this chapter. Failure to comply with such rules and regulations, or with any other requirements imposed by this chapter, shall constitute grounds for revocation of licenses issued hereunder.

## **Title 9. Public Peace, Morals and Welfare**

### **Chapter 9.32. Weapons and Explosives**

#### **Article I. In General**

**9.32.010. "Dangerous or deadly weapon" defined.** The term "dangerous or deadly weapon" includes, but is not limited to, any dirk or dagger; any knife with a blade three inches or more in length; any snap-blade, spring-blade or push-button knife, regardless of the length of the blade; any ice pick or similar sharp stabbing tool; any straight-edge razor or any razor blade fitted to a handle; any dangerous or deadly weapon within the meaning of any law of this state restricting the use thereof; any cutting, stabbing or bludgeoning weapon or device capable of inflicting grievous bodily harm and any firearm other than one carried pursuant to a valid permit, issued by a duly authorized governmental authority, or any ordinary rifle or shotgun lawfully carried for purposes of hunting or other lawful sport.

**9.32.020. Person carrying concealed dangerous or deadly weapon - Not to hide, loiter, etc., in public place or on premises of another or wander from place to place.** It is unlawful for any person, while carrying concealed upon his or her person any dangerous or deadly weapon, to loaf or loiter upon any public street, sidewalk or alley or to wander about from place to place with no lawful business thereby to perform, or to hide, lurk or loiter upon or about the premises of another.

**9.32.050. Dangerous or deadly weapons prohibited in cars.** It is unlawful for any person to have in his or her possession, in any automobile, any dangerous or deadly weapon, but this restriction shall not be deemed to prohibit the carrying of ordinary tools or equipment carried in good faith for uses of honest work, trade or business or for the purpose of legitimate sport or recreation.

**9.32.090. Prohibiting sale of air guns to minors.**

A. It is unlawful for any person to sell, give or loan to any person under eighteen (18) years of age, any BB gun, air gun, pellet gun, or spring gun, within the city.

B. No person, under the age of eighteen (18) years, shall have in his or her possession or control any BB gun, air gun, pellet gun, or spring gun, within this city, except while in immediate custody of his or her parents as hereinafter provided.

C. The chief of police is authorized to establish training programs for minors, and also to license the establishment of shooting ranges and galleries in proper locations.

D. Any person under the age of eighteen (18) years may, while in custody of and under immediate control of his or her parent or guardian, use a BB gun, air gun, pellet gun, or spring gun, to shoot at an inanimate target on range or in a shooting gallery which has been authorized by the chief of police.

E. Any person desiring to operate and maintain a shooting range for BB guns, air guns, pellet guns, or spring guns, within the city, shall first apply to the chief of police for a permit, on an application form to be furnished by the chief of police. If, upon investigation, it appears the range can be maintained at the location specified in the application, without danger to the public, then and in that event the chief of police may issue a permit.

**9.32.110. Explosives generally--Storage for sale in the city.** There shall not be kept within the city more than fifty (50) pounds of powder, or other explosive substance, by any one person, and every person keeping such articles shall keep all they have in one metal case, with metal cover and handles, plainly marked "POWDER," which shall be kept near the front door, and shall display conspicuously upon the front of the

building a sign plainly marked "GUNPOWDER KEPT HERE."

**9.32.120. Explosives generally – Applicability of two preceding sections.** Nothing in the two preceding sections shall apply to metallic cartridges or percussion caps.

**9.32.150. Public grounds – Discharge of firearms, sales, shows, etc.** No person shall, in or upon any public grounds, discharge any cannon or firearm, expose for sale any goods, wares or merchandise or erect or maintain any booth, stand or show; except, in accordance with a permit from the city manager.

[Sacramento City Code current through Ord. 2001-022 & Aug. 2001 code update]

## San Diego Municipal Code

### Chapter 3. Business Regulations, Business Taxes, Permits and Licenses

#### Article 3. Police Regulated Business Regulations

##### Division 42. Regulation of Firearm Dealers

###### 33.4201. Permit Required.

(a) It is unlawful for any person to engage in business as a Firearm Dealer without a Firearm Dealer permit issued by the Chief of Police.

(b) It is unlawful for any person to sell, deliver, or otherwise transfer any firearm in violation of state or federal law or without the permit required by Section 33.4201.

###### 33.4202. Definitions.

For the purpose of this Division, the following words mean:

"Chief of Police" means the Chief of Police or the Chief's designated representative.

"Firearm" means any device designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of any explosion or other form of combustion. A "Firearm" includes any device defined as a firearm in California Penal Code Section 12002.

"Firearm Dealer" means any person who obtains a Federal Firearms Dealers License for the business of:

- (a) Selling, transferring, or leasing any new or used Firearms at wholesale or retail; or
- (b) advertising for sale, transfer, or lease any new or used Firearms at wholesale or retail; or
- (c) offering or exposing for sale, transfer, or lease, any new or used Firearms at wholesale or retail.

"Person" has the same meaning as that in San Diego Municipal Code section 11.0210.

###### 33.4203. Application for Permit.

(a) The Chief of Police shall prescribe the application form for a Firearm Dealer permit.

(b) Any person proposing to engage in business as a Firearm Dealer within the City of San Diego shall secure the applicable federal license and shall have thirty (30) calendar days after receipt of such federal license to apply for a City permit in compliance with the provisions of this Division.

**33.4206. Right of Inspection.** Firearm Dealers shall have their places of business open to Police Department inspection during all hours of operations. Firearm Dealers shall maintain all Firearms records and documents, Firearms and storage places in a manner and place accessible for inspection by Police Department personnel.

**33.4207. Permit Not Transferable.** A Firearm Dealer permit may be issued only to a specific person to conduct business as a dealer at a

specific location and at gun shows in accordance with California Penal Code section 12071. It is unlawful for any person to transfer a Firearm Dealer permit to another person or from one location to another without prior written approval of the Chief of Police. Any attempted transfer shall be ineffective.

**33.4208. Permit Restricted to One Location.** The Firearm Dealer business may be carried on only in the location designated in the permit. Only one Firearm Dealer permit may be issued per location.

**33.4209. Display of Permit Required.** The Firearm Dealer permit or a copy thereof, certified by the issuing authority, shall be displayed on the premises where it can be easily read.

###### 33.4210. Business and Security Regulations.

(a) All Firearm Dealers and officers, employees or agents of the Firearm Dealers, shall comply with all provisions of California Penal Code section 12071, which include business regulations and the building specifications for Firearm security.

(b) All sellers of Firearms shall protect such Firearms from theft during business hours in the following manner:

(1) All Firearms shall be in locked cabinets, a secure rack, or a storage area so that access to firearms is controlled by the dealer or an employee, to the exclusion of all others.

(2) The Firearm Dealer, agent, or employee shall be present when a prospective buyer or seller is handling any Firearm.

###### 33.4212. Provision of Trigger Locks.

(a) It is unlawful for any firearm dealer to sell, give, lend or transfer ownership of any firearm without also providing with the firearm a trigger locking or similar device approved by the Chief of Police. The trigger locking or similar device shall be designed to prevent the unintentional discharge of the firearm. The trigger locking or similar device shall be attached to the firearm prior to the completion of the sale, gift, lending or transfer transaction, and the firearm must leave the premises of the firearms dealer with the trigger locking or similar device attached. If a trigger locking or similar device cannot be attached because the firearm lacks a trigger guard, a lockable bag or box shall be used in lieu of a trigger locking or similar device. Nothing in this section shall prevent the firearms dealer from recovering the cost of the trigger locking or similar device by charging a price for the lock, either separately or as part of the price of the firearm.

(b) It is unlawful for any firearm dealer sell, give, lend or transfer ownership of any firearm, without providing with the firearm printed material, approved by the Chief of Police, that advises the user of safe firearm storage practices.

(c) In connection with any sale, gift, loan or transfer of a firearm, the firearm dealer shall obtain from the person receiving the firearm a signed acknowledgment that a trigger locking or similar device required by section 33.4212(a) of this Municipal Code, and the printed material required by section 33.4212(b), has been provided with the firearm. The acknowledgment shall be in a form approved by the Chief of Police. The firearm dealer shall retain signed acknowledgments of receipt in the same manner and to the same extent as required by State law for other firearm transaction records.

(d) A firearm dealer who has fully complied with the provisions of this section relating to trigger locking or similar devices shall not be presumed to have made any representation to the transferee regarding the safety or appropriate-

ness of the use of the trigger locking or similar device, nor shall the firearm dealer be liable in any civil action brought against the firearm dealer, to the extent such liability would be based solely upon the act of furnishing the trigger locking or similar device to a person in compliance with this section.

(e) The requirements of section 33.4212 shall be in force and effect, and shall apply to all firearms dealers now or hereafter licensed, ninety days after the date on which the Chief of Police sends written notice to currently-licensed firearms dealers of the approved trigger locking or similar devices, printed safety material and form of acknowledgment.

(f) The provisions of this section shall not apply to temporary lending transaction in which the firearm does not leave the premises of the firearms dealer.

(g) The requirements in sections 33.4212 (a),(b), and (c) shall not apply to firearms that are curios or relics, as defined by federal law, Title 27 Code of Federal Regulations section 178.

(h) The requirements in sections 33.4212(a), (b) and (c) shall not apply to firearms dealers when they are involved in private party transfers conducted pursuant to California Penal Code section 12082.

### Chapter 5. Public Safety, Morals and Welfare

#### Article 3. Firearms - Dangerous Weapons - Explosives - Hazardous Trades

##### 53.15.2. Possession of Air Guns, Pointed Missiles, Etc., by Minors.

(a) Except as provided in this section, it is unlawful for any person under the age of eighteen to have in his or her possession, upon any public street or sidewalk or in any public gathering place within the corporate limits of the City any air gun, sharp pointed missile, dart or arrow, described in Municipal Code section 53.15.

(b) This section shall not apply to any minor engaged in supervised or otherwise lawful activity involving such weapons, or who is going to or returning from a place where the minor was engaged in such supervised or otherwise lawful activity.

##### 53.16. Penalties for Firearms and Other Weapons Offenses. ...

(c) Any parent or legal guardian, or person over the age of eighteen, is also guilty of a misdemeanor, if:

(1) he or she possesses on any premises or within a vehicle under his or her custody or control, any of the firearms identified in Municipal Code sections 53.10, and

(2) he or she knows or reasonably should know that a minor is likely to gain access to such firearm, and

(3) a minor obtains and fires or discharges such firearm in violation of sections 53.10. ....

##### 53.31. Assault Weapons, Nuisance, Temporary Custody.

(a) The term "assault weapon," as used in this Section, shall include:

(1) Any semiautomatic action, center fire rifle or carbine which accepts a detachable magazine with a capacity of twenty (20) rounds or more, with a barrel of more than sixteen (16) inches, including but not limited to the following firearms or their copies: AR 15 semiautomatic assault rifles, Uzi semiautomatic assault rifles or carbines, Ingram Mac-10 semiautomatic assault carbines, Ingram Mac-11 semiautomatic assault carbines, Heckler and Koch 93 semiautomatic assault rifles, Heckler and Koch 91 semiautomatic assault rifles, AK-47 semiautomatic assault

rifles, AKM-47 semiautomatic assault rifles, all Avtomat Kalashnikov weapons, M1-A semiautomatic assault rifles, M-14 semiautomatic assault rifles, Thompson semiautomatic carbines and any other semiautomatic carbines manufactured by Auto Ordnance;

(2) Any shotgun with a barrel of more than eighteen (18) inches and a folding stock or magazine capacity of more than six (6) rounds;

(3) Any weapon which may be readily restored to an operable assault weapon, as defined in paragraphs 1 and 2 above; and

(4) Any part, or combination of parts, designed or intended to convert a weapon into an assault weapon, as defined above in paragraphs 1 and 2, or any combination of parts from which an assault weapon may be readily assembled, if those parts are in the possession or under the control of the same person.

(b) As used in this Section, the term "**semi-automatic**" means a weapon which fires a single projectile for each single pull of the trigger and which employs a magazine.

(c) The term "assault weapon" does not include any of the following:

(1) Any of the above generally and specifically described weapons which is a "machine gun" as that term is defined by Section 12200 of the Penal Code of the State of California; any pistol, revolver or other firearm which is capable of being concealed upon one's person, as defined and regulated by the provisions of Sections 12021 and 12025 of the Penal Code of the State of California;

(2) Any of the following: weapons which do not use fixed ammunition, weapons which were manufactured prior to 1898, manually operated bolt action weapons, lever action weapons, slide action weapons, single-shot weapons. Multiple-barrel weapons, revolving cylinder weapons, semiautomatic weapons which use exclusively Mannlicher-style clips, semiautomatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine;

(3) Any assault weapon which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5) (7) and (8) of Subsection (b) of Section 12020 of the Penal Code of the State of California;

(4) Any short-barreled rifle or shotgun as defined in Subsection (c) of Penal Code Section 12020; or

(5) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

(d) A sheriff, undersheriff, deputy sheriff, marshal, deputy marshal, or police officer, as defined in subdivision (a) of Section 830.1, a member of the University of California Police Department, as defined in subdivision (d) of Section 830.2, and a member of a California State University Police Department, as defined in subdivision (e) of Section 830.2, during the performance of his or her duties within the City of San Diego may take temporary custody of any assault weapon in plain sight or discovered pursuant to a consensual search as necessary for the protection of the peace officer or other persons of the City of San Diego.

(e) The provisions of subsection (d) shall not apply to assault weapons in the possession of any person specifically authorized to possess concealed or loaded firearms within the City limits of San Diego pursuant to the Dangerous Weapons' Control Law, California Penal Code Section 1200 et seq.

(f) Upon taking custody of an assault weapon, the officer shall give the owner or person who

possessed the assault weapon a receipt. The receipt shall describe the assault weapon and list any identification or serial number on the assault weapon. The receipt shall indicate where the firearm can be recovered and the date after which the owner or possessor can recover the assault weapon. No assault weapon shall be held less than forty-eight (48) hours. If an assault weapon is not retained for use as evidence related to criminal charges or is not retained because it was illegally possessed, the assault weapon shall be made available to the owner or person who was in lawful possession forty-eight (48) hours after the seizure or as soon thereafter as possible, but no later than seventy-two (72) hours after the seizure.

(g) Any assault weapon which has been taken into custody which has been stolen shall be restored to the lawful owner, as soon as its use for evidence has been served, upon his or her identification of the firearm and proof of ownership.

(h) Any assault weapon taken into custody and held by a police, university police, or sheriff's department or by a marshal's office, for longer than twelve (12) months and not recovered by the owner or person who has lawful possession at the time it was taken into custody, shall be considered a nuisance and sold or destroyed as provided in subdivision (c) of Section 12028.

[Current as of Sept. 2001]

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## San Diego County Code

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### Title 2. Licenses, Business Regulations and Business Taxes

#### Division 1. Business Regulations

#### Chapter 12. License for Sale of Firearms

**21.1201. License Required.** No person shall sell, trade or otherwise deal in firearms in the unincorporated area prior to obtaining a license issued by the Sheriff pursuant to California Penal Code Section 12071. This section shall not apply to those transactions excluded under California Penal Code Section 12070. The procedure to follow, except as otherwise herein provided, in obtaining a license is that set forth in the Uniform Licensing Procedure.

**21.1202. License Fee.** The fee for a Firearms Sales License shall be that set forth in the Sheriff's Licensing Fee Ordinance [Sheriff's licensing fee ordinance, §21.1901 – "Firearms Sales Permits: The annual fee shall be \$209. The renewal fee shall be \$175."].

**21.1203. Limitation on Location.** The business licensed by this chapter shall be carried on only at the location designated in the license.

**21.1204. Inspection.** Firearm Dealers shall have their places of business open to Sheriff's Department inspection during all hours of operation. Firearm Dealers shall maintain all firearms records and documents, firearms and storage places in a manner and place accessible for inspection by Sheriff's Department personnel. In addition to random inspections, the Sheriff's Department shall conduct annual inspections in compliance with State Department of Justice regulations.

**21.1205. Records - Second Hand Weapons.** If a dealer, licensed by this chapter to sell firearms, shall have offered to him for purchase or for acceptance in trade a used or second hand weapon, the dealer shall also comply with the State's and the County's requirements for

sales of secondhand goods [Secondhand dealers, §21.700 et seq.].

**21.1206. Delivery of Firearms.** No weapon shall be delivered except as set forth in Sections 12071 through 12084 of the California Penal Code.

**21.1207. Advertising or Display.** No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.

**21.1208. Breach of Conditions.** Upon the breach of any of the above stated conditions any license issued pursuant to this chapter shall be subject to forfeiture.

**21.1209. Violation - Misdemeanor.** Any person violating the provisions of this chapter and/or of the Uniform Licensing Procedure shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed five hundred dollars (\$500.00) or by imprisonment for a period of not more than six (6) months in the County Jail or by both such fine and imprisonment.

### Chapter 12.5. Trigger Lock and Safe Firearm Storage Ordinance

**21.1250. Definitions.** As used in this Chapter, the following words and phrases shall have the following definitions:

(a) "**Firearm**" means any device, designed to be used as a weapon or modified to be used as a weapon, from which a projectile is expelled through a barrel by the force of explosion or other form of combustion.

(b) "**Firearm dealer**" means any person licensed by the Sheriff pursuant to California Penal Code Section 12071 for the retail sale of firearms in the unincorporated area of the County of San Diego. "Firearm dealer" shall not include persons involved in transactions excluded under California Penal Code Section 12070.

(c) "**Safe firearm storage device**" or "**safe storage device**" shall mean any of the following devices, the proper use of which will prevent the unintentional discharge of the firearm:

(1) A lockable hard plastic or metal box capable of covering the whole of the firearm sold. The box shall have, or shall be provided with, a lock.

(2) A soft case with the outer shell made of heavy canvas or ballistic nylon capable of covering the whole firearm sold. The case shall have a zipper capable of being locked shut. The soft case shall have, or shall be provided with, a lock.

(3) Any type of reusable locking device that is capable of rendering the firearm sold, leased, or transferred inoperable when properly installed by keeping the trigger from releasing the sear thereby dropping the firing pin, or locking the action of the firearm open so it will not go into battery. Any device integrated into the firearm by the manufacturer which meets the criteria of this paragraph shall qualify as a safe firearm storage device.

(4) All locks or locking devices sold, furnished or made available in order to comply with the provisions of this Chapter shall have a key, which can be a traditional key or a special key unique to the particular device or lock, or a combination with at least three tumblers.

A firearm "safety" shall not be considered a safe storage device for purposes of this Chapter.

**21.1251. Provision of Safe Firearm Storage Devices.**

(a) It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any



firearm without also providing with the firearm a safe firearm storage device designed to prevent the unintentional discharge of the firearm being sold, leased, or transferred.

(b) The safe firearm storage device shall be locked in place, properly attached to, or properly covering, the firearm at the time it leaves the firearm dealer's premises.

(c) Nothing in this Chapter shall prevent the firearm dealer from recovering the cost of providing a safe firearm storage device by charging a price for the safe storage device, either separately or as part of the price of the firearm.

**21.1252. Provision of Safe Firearm Storage Materials.** It is unlawful for any firearm dealer to sell, lease or otherwise transfer ownership of any firearm without providing with the firearm printed material, approved by the Sheriff, that advises the user of safe firearm storage practices.

**21.1253. Acknowledgment of Receipt by Purchaser.** In connection with any sale, lease or transfer of a firearm, the firearm dealer shall obtain from the person receiving the firearm a signed acknowledgment that (a) the person has been provided by the firearm dealer with a safe firearm storage device required by Section 21.1251 of this Chapter, and (b) the person has been provided with the printed material required by Section 21.1252 of this Chapter. The acknowledgment shall be in a form approved by the Sheriff. The firearm dealer shall retain signed acknowledgments of receipt in the same manner and to the same extent as required by State law for other firearm transaction records.

**21.1254. Exclusions.**

(a) This Chapter shall not apply to firearms that have been determined by the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of Treasury, to be curios or relics under federal law.

(b) This Chapter shall not apply to a firearm rented at a licensed shooting range for use on the range.

**21.1256. Violation - Misdemeanor - Infraction.** Any firearm dealer violating Section 21.1251 of this Chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00) or by imprisonment for a period of not more than six (6) months in the County Jail or by both such fine and imprisonment. Any firearm dealer violating Section 21.1252 or 21.1253 of this Chapter shall be deemed guilty of an infraction, and subject to a fine in accordance with Section 11.116 of this Code.

[Current through San Diego County Ord. 9400, effective Nov. 16, 2001]

## San Francisco Police Code

### Article 9. Miscellaneous Conduct Regulations

**613. Regulating Sale of Firearms.** It shall be unlawful for any person, firm, corporation or dealer engaging in the business of selling, leasing or otherwise transferring any firearm, firearms ammunition, or firearms ammunition component to sell, lease or otherwise transfer any firearm, firearms ammunition or firearms ammunition component without first having obtained a license from the San Francisco Police Department. The Department shall make available application forms requiring applicants to provide the information set forth in Section 613.2, and

shall collect a nonrefundable application fee from each applicant.

The Chief of Police shall recommend to the Board of Supervisors, on or before April 1, 1994, a fee which shall be sufficient to recover all costs associated with this Article, including but not limited to, processing applications, monitoring licensees, and enforcing the provisions of this Article. The fee shall be set by the Board of Supervisors.

**613.1. Definitions.**

(a) **"Firearm"** shall mean any device, designed to be used as a weapon or modified to be used as a weapon, that expels a projectile by the force of an explosion or other form of combustion.

(b) **"Firearm ammunition"** shall mean any cartridge or encasement containing a bullet or projectile, propellant or explosive charge, and a primer which is used in the operation of a firearm.

(c) **"Firearm ammunition component"** shall mean any cartridge or encasement, bullet or projectile, primer or propellant or explosive material used in the manufacture of ammunition.

(d) **"Firearm capable of being concealed upon the person"** shall mean any such firearm as defined in California Penal Code Section 12001(a).

(e) **"Transfer"** shall include, but shall not be limited to, the redemption of a pawned or pledged firearm by any individual including the individual who pawned or pledged the firearm.

(f) **"Saturday night special"** shall mean any of the following:

(1) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat-treated carbon steel, forged alloy, or other material of equal or higher tensile strength.

(2) A semiautomatic pistol which:

(a) Is not originally equipped by the manufacturer with a locked-breech action; and

(b) Is chambered for cartridges developing maximum permissible breech pressures above 24,100 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.

(c) For purposes of this Subsection (2), "semiautomatic pistol" shall mean a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge: (i) fires the cartridge in the chamber; (ii) ejects the fired cartridge case; and (iii) loads a cartridge from the magazine into the chamber. "Semiautomatic pistol" shall not include any assault weapon designated in California Penal Code Section 12276.

(3) A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:

(a) Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum permissible breech pressures below 19,000 Copper Units of Pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

(b) Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 Copper Units of Pressure as standard-

ized by the Sporting Arms and Ammunition Manufacturers Institute; and

(c) Is not originally equipped by the manufacturer with a nondetachable safety guard surrounding the trigger; or

(d) If rimfire, is equipped with a barrel of less than 20 bore diameters in overall length protruding from the frame.

"Saturday night special" does not include any of the following:

(1) Any pistol which is an antique or relic firearm or other weapon falling within the specifications of Paragraphs (5), (7) and (8) of Subsection (b) of California Penal Code Section 12020; or

(2) Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion; or

(3) Children's pop guns or toys; or

(4) An "unconventional pistol" as defined in California Penal Code Section 12020(c)(12); or

(5) Any pistol which has been modified to either render it permanently inoperable or permanently make it a device no longer classified as a "Saturday night special."

(g) **"Ultracompact firearm"** shall mean any pistol, revolver, handgun or other firearm that is 6.75 inches or less in length or 4.5 inches or less in height, measured with the magazine detached.

**613.2. Application Form.** The application for a license to engage in the business of selling, leasing or otherwise transferring any firearm, firearms ammunition, or firearms ammunition component shall be signed under penalty of perjury and shall set forth:

(a) The name, age and address of the applicant;

(b) The address of the location for which the license is required, together with the business name of such location, if any;

(c) All convictions of the applicant for any of the offenses listed in Section 613.3(e);

(d) All information relating to licenses or permits relating to firearms or other weapons sought by the applicant from other jurisdictions, including, but not limited to date of application and whether each such application resulted in issuance of a license;

(e) All information relating to revocations of licenses or permits relating to firearms, including but not limited to date and circumstances of revocation;

(f) Applicant's agreement to indemnify, defend, and hold harmless the City, its officers, agents, and employees, from and against any and all claims, losses, costs, damages and liabilities of any kind, arising in any manner out of the applicant's negligence or intentional or wilful misconduct;

(g) Applicant's understanding that the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to investigate and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, provisions of this Article, and all other applicable federal, state, and local laws.

Each application must be accompanied by evidence that the applicant has satisfied the insurance requirements stated in Section 613.13 of this Article.

As used in this Section, the term **"applicant"** when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who may be involved in the sale, lease or other transfer of any firearm,

firearms ammunition or firearms ammunition component.

**613.3. Denial of License.** The Chief of Police shall deny the issuance of a license when any of the following conditions exist:

(a) The applicant is under the age of 21 years.

(b) The applicant is not licensed as required by all applicable federal, State and local laws.

(c) The applicant has had a firearms license previously revoked or denied for good cause within the immediately preceding two years.

(d) The applicant has made a false or misleading statement of a material fact, or omission of a material fact, in the application for a license. If a license is denied on this ground, the applicant shall be prohibited from reapplying for a license for a period of two years.

(e) The applicant has been convicted of:

(1) Any offense so as to disqualify the applicant from owning or possessing a firearm under applicable federal, State, and local laws, including but not limited to the offenses listed in California Penal Code Section 12021;

(2) Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon;

(3) Any offense involving the use of force or violence upon the person of another;

(4) Any offense involving theft, fraud, dishonesty, or deceit, including but not limited to any of the offenses listed in Title 7 (Crimes Against Public Justice) and title 13, Chapters 4 (Forgery and Counterfeiting), 5 (Larceny), 6 (Embezzlement), 7 (Extortion), 8 (False Personation), 13 and 14 (Fraud) of the California Penal Code;

(5) Any offense involving the manufacture, sale, possession or use of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read.

(f) The applicant is within the classes of persons defined in California Welfare and Institutions Code Sections 8100 or 8103.

(g) The applicant is (1) currently, or has been within the past two years, an unlawful user of any controlled substance as defined by the California Health and Safety Code as said definition now reads or may hereafter be amended to read; or (2) an excessive user of alcohol, to the extent that such use would impair his or her fitness to be a dealer in firearms.

(h) The operation of the business as proposed would not comply with all applicable federal, State, and local laws.

(i) The applicant, or an officer, employee, or agent thereof, proposes to operate in the following locations:

(1) Within any RH, RM, RC, NC or RED zoning district, or within 1,000 feet of the exterior limits of any such district;

(2) Within 1,000 feet of a public or private day care center or day care home, or within 1,000 feet of any elementary, junior high or high school whether public or private;

(3) On or within 1,500 feet of the exterior limits of any other premises used as a place of business by a dealer in firearms;

(4) Within 1,000 feet of a community center, church, neighborhood center, recreational center, whether public or private, where regularly scheduled activities are conducted for people under 18 years of age.

(j) The applicant, or an officer, employee or agent thereof does not have, and/or cannot provide evidence of a possessory interest in the property at which the proposed business will be conducted.

(k) Any other ground for denial exists under any applicable provision of federal, State or local law.

As used in this Section, the term “applicant” when the applicant is other than a natural person shall include any officer, director, employee or agent of the applicant who may be involved in the sale, lease or other transfer of any firearm, firearms ammunition or firearms ammunition component.

**613.8. Nonassignability of License.** The assignment or attempt to assign any license issued pursuant to this Article is unlawful and any such assignment or attempt to assign a license shall render the license null and void.

**613.9. Security.** In order to discourage the theft of firearms stored on the premises of a firearms dealer, each business licensed under this Article must adhere to security measures as required by the Chief of Police. Security measures shall include but not be limited to:

(a) Provision of secure locks, windows and doors, adequate lighting, and alarms as specified by the Chief of Police;

(b) Storage of all firearms on the premises out of the reach of customers in secure, locked facilities, so that access to firearms shall be controlled by the dealer or employees of the dealer, to the exclusion of all others.

**613.10. License - Conditions.** In addition to all other requirements and conditions stated in this Article, each license shall be subject to all of the following conditions, the breach of any of which shall be sufficient cause for revocation of the license by the Chief of Police:

(a) The business shall be carried on only in the building located at the street address shown on the license.

(b) The licensee shall comply with Sections 12073, 12074, 12076, 12077 and 12082 of the California Penal Code, to the extent that the provisions remain in effect.

(c) The licensee shall not deliver any pistol or revolver to a purchaser earlier than 15 days after the application for the purchase, lease or transfer, unless otherwise provided by State or federal law.

(d) The licensee shall not deliver any firearm to a purchaser, lessee or other transferee unless the firearm is unloaded and securely wrapped or unloaded in a locked container.

(e) The licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee unless the purchaser, lessee or other transferee is personally known to the seller or presents clear evidence of his or her identity and age to the seller. As used in this Section, “clear evidence of his or her identity and age” includes, but is not limited to, a motor vehicle operator's license, a State identification card, an armed forces identification card, an employment identification card which contains the bearer's signature and photograph, or any similar documentation which provides the seller reasonable assurance of the identity and age of the purchaser.

(f) The licensee shall not display in any part of the premises where it can be readily seen from outside the premises, any firearm, firearm ammunition or imitation thereof, or placard advertising the sale or other transfer thereof, other than a sign identifying the name of the business.

(g) The licensee shall not sell, lease or otherwise transfer any firearm without also selling or otherwise providing with each firearm a trigger lock or similar device approved by the Chief of Police that is designed to prevent the unintentional discharge of the firearm.

(h) The licensee shall not sell, lease or otherwise transfer any firearm without affixing to each firearm, or sealed package containing a firearm, a warning label stating the following in not less than 14 point type: IF YOU LEAVE A LOADED FIREARM WHERE A CHILD OBTAINS AND IMPROPERLY USES IT, YOU MAY BE FINED OR SENT TO PRISON, AND YOU MAY BE LIABLE FOR CIVIL DAMAGES.

(i) The licensee shall not sell, lease or otherwise transfer to any person any ammunition clip or magazine that has the capacity to contain more than 10 rounds of ammunition.

(j) The licensee shall not sell, lease or otherwise transfer to any person any ammunition that:

(1) Serves no sporting purpose;

(2) Is designed to expand upon impact and utilize the jacket, shot or materials embedded within the jacket or shot to project or disperse barbs or other objects that are intended to increase the damage to a human body or other target (including, but not limited to, Winchester Black Talon, Speer Gold Dot, Federal Hydra-Shok, Hornady XTP, Eldorado Starfire, Hollow Point Ammunition and Remington Golden Sabre ammunition; or

(3) Is designed to fragment upon impact (including, but not limited to, Black Rhino bullets and Glaser Safety Slugs).

This subsection does not apply to conventional hollow-point ammunition with a solid lead core when the purchase is made for official law enforcement purposes and the purchaser is authorized to make such a purchase by the director of a public law enforcement agency such as the Chief of the San Francisco Police Department or the Sheriff of the City and County of San Francisco.

(k) The licensee shall not sell, lease or otherwise transfer any firearm to any person under the age of 18 years, and shall not sell, lease or otherwise transfer any pistol, revolver, or firearm capable of being concealed upon the person to any person under the age of 21.

(l) The licensee shall not sell, lease or otherwise transfer any firearm ammunition to any person under the age of 18 years, and shall not sell, lease or otherwise transfer any ammunition capable of being used in a pistol, revolver, or firearm capable of being concealed upon the person to any person under the age of 21.

(m) The licensee shall not sell, lease or otherwise transfer any firearm to any person whom the licensee has reason to believe is within any of the classes prohibited by California Penal Code Sections 12021 or 12021.1 or California Welfare and Institutions Code Sections 8100 or 8103.

(n) The licensee shall post within the licensee's premises a notice explaining the age restrictions set forth in Subsections (k) and (l) above. The posted notice shall be in a conspicuous location and shall have lettering of sufficient size such that the notice can easily and clearly be seen by all prospective purchasers of firearms and firearm ammunition.

(o) The licensee shall not deliver any firearm, firearm ammunition, or firearm ammunition component to a purchaser, lessee or other transferee whom the licensee knows or has reason to believe is attempting to transfer (1) on behalf of another person, or (2) with the intent to avoid any restriction on transfers under this Article, or State or federal law.

(p) The licensee shall not sell, lease or otherwise transfer any “Saturday night special.”

(q) The licensee shall not sell, lease or otherwise transfer any ultracompact firearm except as authorized by Section 613.10-2.

Any license issued pursuant to this Article shall be subject to such additional conditions as the Chief of Police finds are reasonably related to the purpose of this Article.

(r) The licensee shall comply with the requirements of Section 613.10-3 and shall, in addition, post the appropriate notice or notices, as specified below, in a conspicuous location at the entrance of the licensee's premises (or at the entrance to the separate room or enclosure pursuant to Section 613.10-3(c)). Such notice shall be in 36 point type block letters in black ink on a white background.

(1) Licensees that sell, lease or otherwise transfer firearms, other than firearms capable of being concealed on the person, shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure pursuant to Section 613.10-3(c)) stating the following:

"THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 18, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND TRIAL."

(2) Licensees that sell, lease or otherwise transfer firearms capable of being concealed on the person shall post a notice at the entrance to the premises (or at the entrance to the separate room or enclosure containing such firearms pursuant to Section 613.10-3(c)) stating the following:

"THE SAN FRANCISCO POLICE CODE REQUIRES THAT FIREARMS DEALERS PROHIBIT ENTRY BY PERSONS UNDER AGE 21, AND FURTHER PROHIBITS ENTRY BY (1) PERSONS CONVICTED OF A VIOLENT OFFENSE WHO ARE PROHIBITED FROM POSSESSING FIREARMS PURSUANT TO CALIFORNIA PENAL CODE SECTIONS 12021 OR 12021.1; AND (2) PERSONS WHO ARE CURRENTLY PROHIBITED FROM POSSESSING FIREARMS BECAUSE THEY HAVE BEEN ADJUDICATED AS MENTALLY DISORDERED, NOT GUILTY BY REASON OF INSANITY OR INCOMPETENT TO STAND TRIAL."

(3) Licensees that sell, lease or otherwise transfer firearms capable of being concealed on the person, but who keep such firearms in a separate room or enclosure in accordance with Section 613.10-3(c) shall post the notice required by paragraph (1) at the entrance to the premises or separate room or enclosure containing firearms that are not capable of being concealed on the person, and shall post the notice required by paragraph (2) at the entrance to the separate room or enclosure containing firearms capable of being concealed on the person.

#### **613.10-1. Procedures Regarding Saturday Night Specials.**

(a) **Roster of Saturday Night Specials.** On or before January 1, 1997, the Chief of Police or the Chief's designee shall compile, publish, and thereafter maintain a Roster of Saturday night specials. The Roster shall list those firearms, by manufacturer and model number, which the Chief determines fit the definition of Saturday night special set forth in Section 613.1. All references to "the Chief" in this Section shall mean the Chief of Police or the Chief's designee.

(b) **Notification.** Upon completion of a list of firearms to be placed on the Roster for the first time, the Chief shall endeavor to send written notification to: (i) the manufacturer of every firearm on said list; and (ii) every dealer within the City who is licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and this Chapter of the Municipal Code. Such notification shall do the following:

(1) Identify the model number of the firearm which has been classified as a Saturday night special within the meaning of Section 613.1;

(2) Advise the recipient that the recipient may apply for reconsideration of the classification of the firearm as a Saturday night special; and

(3) Advise the recipient that the burden of proving a firearm does not constitute a Saturday night special within the meaning of Section 613.1 shall be on the recipient.

#### **(c) Reconsideration by the Chief of Police.**

(1) Prior to the effective date of this ordinance, the Chief shall establish standards and procedures for the form and content of an application, the conduct of an administrative hearing, and the evaluation of evidentiary testimony relating to the decision of the Chief to classify the firearm in question as a Saturday night special as defined in Section 613.1.

(2) Upon timely filing of one or more complete applications for reconsideration, the Chief shall evaluate the evidence submitted by the applicant(s). The applicant(s) shall have the burden of demonstrating that the firearm does not constitute a Saturday night special within the meaning of Section 613.1.

#### **(d) Appeal of Classification.**

(1) If the Chief determines that the firearm under reconsideration has been properly classified as a Saturday night special, then the applicant(s) shall have the right to appeal such decisions to the Police Commission, and the applicant(s) shall have the right to a hearing before the Police Commission, or a hearing officer designated by the Commission prior to inclusion of the firearm in question on the Roster.

(2) The Police Commission is authorized to establish standards and procedures for the form and content of an appeal, the conduct of an administrative hearing, and the evaluation of evidentiary testimony relating to the Chief's decision to classify the firearm in question as a Saturday night special as defined in Section 613.1.

(3) The burden of proof shall be on the appellant(s) to demonstrate that the firearm does not constitute a Saturday night special within the meaning of Section 613.1.

(4) In all instances, the decision of the Police Commission whether to classify the firearm in question as a Saturday night special as defined in Section 613.1 and to place said firearm on the Roster is final.

(e) **Publication of Roster.** The Chief shall place on the Roster each firearm which has been determined to constitute a Saturday night special within the meaning of Section 613.1. The Chief shall cause the Roster to be published in the following manner:

(1) The Roster shall be published at least once in the official newspaper as designated by the City and circulated in the City within 15 days after the Roster's completion; and

(2) A copy of the Roster shall be filed in the Chief's office; and

(3) A copy of the Roster shall be distributed to every dealer within the City who is licensed to sell and transfer firearms pursuant to Section 12071 of the California Penal Code and this Chapter of the Municipal Code.

(f) **Effective Date of Roster.** The Roster shall become effective on the fifteenth day after its publication.

(g) **Additions to the Roster.** Additions to the Roster shall be made in accordance with the following:

(1) **Semiannual Determination.** On a semi-annual basis, the Chief shall determine the need to place firearms on the Roster. Upon identifying one or more firearms as a Saturday night special, the Chief shall prepare a draft list of the additions to the Roster.

(2) **Notification of Additions to Roster.** In the event that a draft list of firearms to be added to the Roster is prepared, the Chief shall endeavor to send written notification in accordance with the aforementioned provisions of Section 613.10-1(b).

(3) **Reconsideration by the Chief of Police.** Any person who the Chief notifies pursuant to Subsection (2) above may apply for reconsideration of the classification of that firearm as a Saturday night special in accordance with the provisions of Section 613.10-1(c).

(4) **Appeal of Classification.** Whenever a firearm has been determined to be properly classified as a Saturday night special after reconsideration, the applicant may file an appeal to the Police Commission and the Commission shall hold a hearing in accordance with the provisions of Section 613.10-1(d).

(5) **Additions of Firearms to Roster.** After all appeals have been exhausted, the Chief shall place on the Roster those additional firearms which have been determined to constitute a Saturday night special within the meaning of Section 613.1. The Chief shall cause the Roster, as amended to include these additional firearms, to be published in accordance with Section 613.10-1(e).

(h) **Nonexclusivity of Roster.** The Roster is meant to be illustrative of the types of weapons which gun dealers are prohibited from selling in San Francisco. The sale of firearms not listed on the Roster, but having the characteristics described in Section 613.1, is prohibited under Section 613.10(p).

#### **613.10-2. Sale of Ultracompact Firearms Restricted.**

##### **(a) Findings. ...**

(b) **Purpose and Intent.** The purpose and intent of this Section is to protect the health, safety, and general welfare of the citizens of the City and County of San Francisco by restricting the sale of ultracompact firearms.

(c) **Sale of Ultracompact Firearms Restricted.** No person licensed pursuant to this Article shall sell, lease or otherwise transfer any ultracompact firearm except as authorized by paragraph (d) of this Section. Nothing in this section shall preclude any person licensed pursuant to this Article from processing firearms transactions between unlicensed parties pursuant to subdivision (d) of Section 12072 of the Penal Code of the State of California.

(d) **Exceptions.** The requirements of this Section shall not apply to the sale, lease or other transfer of an ultracompact firearm in the following circumstances:

(1) To any law enforcement agency.

(2) To any agency duly authorized to perform law enforcement duties.

(3) To any state or local correctional facility.

(4) To any private security company licensed to do business in the State of California.

(5) To any person who is properly identified as a full-time paid peace officer, as defined in Section 830.1, 830.2, 830.4, or 830.5 of the Penal Code of the State of California, and who is

authorized to carry a firearm during the course and scope of his or her employment as a peace officer.

(6) To the sale, lease or other transfer of any antique firearm, as defined in paragraph (16) of subsection (a) of Section 921 of Title 18 of the United States Code.

(7) To any motion picture, television, or video production company, or entertainment or theatrical company whose production involves the use of a concealable firearm, and which secures such firearm from unauthorized use.

(8) To any person who is exempt from the provisions of subdivision (d) of Section 12072 of the Penal Code of the State of California.

(9) To any person or entity conducting a transaction described in subdivision (k) of Section 12078 of the Penal Code of the State of California.

(10) To any person who is licensed as a collector pursuant to Chapter 44, (commencing with Section 921) of Title 18 of the United States Code and the regulations issued pursuant thereto, and who has a current certificate of eligibility issued to him or her by the Department of Justice pursuant to Section 12071 of the Penal Code of the State of California.

(11) To any person or entity acquiring a concealable firearm by bequest or intestate succession.

(12) To a non-profit entity that is authorized to destroy firearms, and which has agreed to destroy the firearm being transferred.

**(e) Penalties.**

(1) Violation of this section shall be punishable as a misdemeanor. In addition, each violation of this Section shall constitute grounds for suspension or revocation of the licensee's firearms dealer license under this Article.

(2) Each transaction in violation of this Section shall be deemed a distinct and separate violation.

**613.10-3. Persons Prohibited From Purchasing Firearms Not Permitted On Licensees' Premises.**

(a) No person who is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Sections 8103 shall enter into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms and which displays the notices required by Section 613.10(r), except in accordance with paragraph (c) of this Section.

(b)(1) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms shall permit the entry onto the premises that are the subject of the license by any person who the licensee knows or has reason to know is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1, or Subsections (a), (b), (c) or (d), of California Welfare and Institutions Code Section 8103, except in accordance with paragraph (c) of this Section.

(2) No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms shall permit the entry onto the premises that are the subject of the license by any person under 18 years of age except in accordance with paragraph (c) of this section. No person licensed pursuant to this Article to sell, lease or otherwise transfer firearms and who keeps or displays for sale, lease or other transfer firearms capable of being concealed on the person shall permit the entry onto the premises that are the subject of the license by any person under 21 years of

age, except in accordance with paragraph (c) of this section.

(3) The licensee and any of his or her agents, employees or other persons acting under the licensee's authority shall be responsible for requiring clear evidence of age and identity of persons to prevent the entry of persons not permitted to purchase a firearm under state law by reason of age. Clear evidence of age and identity includes, but is not limited to, a motor vehicle operator's license, a State identification card, an armed forces identification card, or an employment identification card which contains the bearer's signature, photograph, and age, or any similar documentation which provides reasonable assurance of the identity and age of the individual.

**(c) Exceptions.**

(1) It shall not be a violation of this section for any person who is otherwise prohibited pursuant to subsection (a) from entering or being present on the premises to enter or be present on the premises if the firearms and related accessories (including, but not limited to, ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure.

(2) It shall not be a violation of this section for any person who the licensee is otherwise required to keep from entering or being present on the premises pursuant to subsection (b) to enter or be present on the premises if the firearms and related accessories (including, but not limited to ammunition, ammunition clips and holsters) are kept or displayed within a separate room or enclosure that separates such firearms and related accessories from other merchandise, and such persons are excluded from the separate room or enclosure. Where a licensee keeps or displays weapons capable of being concealed on the person in a separate room or enclosure that separates such firearms and related accessories, including, but not limited to, ammunition, ammunition clips and holsters) from other merchandise (including other firearms), it shall not be a violation of this section for persons at least 18 years old but less than 21 years old to enter or be present on the premises if such persons are excluded from the separate room or enclosure containing firearms capable of being concealed on the person.

**(d) Penalty for violation.**

(1) Any person who is prohibited from possessing or purchasing firearms pursuant to California Penal Code Sections 12021 or 12021.1 or Subsections (a), (b), (c) or (d) of California Welfare and Institutions Code Section 8103 and who knowingly enters into any place of business that is licensed pursuant to this Article to engage in the business of selling, leasing or otherwise transferring firearms in violation of subsection (a) shall be guilty of a misdemeanor.

(2) Any licensee or other person acting under the authority of a licensee, including, but not limited to, employees or agents of a licensee, who knowingly allows a person to enter the licensee's premises in violation of this section shall be guilty of a misdemeanor.

**613.11. License - Grounds For Revocation.** In addition to any other provisions of this Article, any circumstances constituting grounds for denial of a license shall also constitute grounds for revocation of a license.

**613.13. License - Liability Insurance.** No license shall be issued or reissued pursuant to this Article unless there is in full force and effect a policy of insurance in such form as the City

Attorney and the City's Risk Manager deem proper, executed by an insurance company approved by the City's Risk Manager, whereby the applicant or licensee is insured against liability for damage to property and for injury to or death of any person as a result of the sale, transfer or lease, or advertising for sale, transfer or lease, or offering or exposing for sale, transfer or lease, of any firearm, firearm ammunition or firearm ammunition component. The minimum liability limits shall not be less than \$1,000,000 for damage to or destruction of property in any one incident, and \$1,000,000 for the death or injury to any one person; provided, however, that additional amounts may be required by the City Attorney or City's Risk Manager if deemed necessary to protect the interests of the City and its residents.

Such policy of insurance shall contain an endorsement providing that the policy will not be canceled until notice in writing has been given to the City, address in care of the Chief of Police, 850 Bryant Street, San Francisco, California, 94103, at 30 days immediately prior to the time such cancellation becomes effective. Further, such policy of insurance shall name the City, its officers, agents, and employees as additional insureds.

In addition, applicants and licensees shall agree in writing that they shall indemnify, defend, and hold harmless the City, its officers, agents, and employees, from claims arising out of the negligence or the intentional or wilful misconduct of the applicant or licensee.

**613.14. License - Authority to Inspect.** Any and all investigating officials of the City shall have the right to enter the building designated in the license from time to time during regular business hours to make reasonable inspections and to observe and enforce compliance with building, mechanical, fire, electrical, plumbing, or health regulations, and provisions of this Article. A police investigator may conduct compliance inspections to insure conformance with all federal, state, and local laws, and all provisions of this Article.

**613.16. Temporary Suspension of License.**

(a) If the Chief of Police has reason to believe that a licensee has (1) violated any federal, state or local law relating to the sale, lease, transfer, use or possession of firearms, firearm ammunition or firearms ammunition components, or (2) has committed any of the offenses set forth in Section 613.3(e), the Chief of Police may immediately suspend for a period not to exceed three days the right of the licensee to sell, lease or otherwise transfer firearms, firearm ammunition or firearm ammunition components.

However, if the licensee is charged by a federal, state, or local prosecuting attorney with a violation of any such law the Chief of Police may suspend such license until the charges are dismissed or the licensee is found not guilty in a court of law. If the Chief of Police suspends a license pursuant to this provision, the licensee shall be provided an opportunity to present evidence to the Chief or his or her designee that the pending charges are without legal merit. The Chief's decision regarding whether to suspend a license pending the outcome of such charges shall be appealable to the Board of Permit Appeals, at which proceeding the Chief shall have the burden of proof to justify his decision.

(b) Notice of suspension shall be mailed to the person(s) who applied for the license and shall be delivered to the address listed on the license.

**613.17. Delivery to Tax Collector.** Upon granting said license, the Police Department

shall forward said license to the Tax Collector who shall issue said license to the applicant upon payment of the license fee, payable in advance.

**613.18. Rules And Regulations.** The Chief of Police is hereby authorized to promulgate such rules and regulations after noticed hearing as will enable the Police Department to effectuate the purposes of this ordinance. Failure to comply with such rules and regulations, or with any other requirements imposed by this ordinance, shall constitute grounds for revocation of licenses issued hereunder.

**613.19. Penalties.** Any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than \$100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not less than \$500 or more than \$1,000 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$500 and not more than \$1,000 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

**614. Record of Transfer Required.** Every person engaged in the business of selling, leasing or otherwise transferring pistols, revolvers or other firearms, whether such seller, lessor or transferor is a retail dealer, pawnbroker or otherwise, shall maintain a bound volume, the specifications for which the Chief of Police shall by regulation prescribe, in which shall be entered the (1) date and time of sale, lease or transfer; (2) the name of the sales person making the sale, lease or transfer, and such information pertaining to the identity of the purchaser, lessee, or transferee as the Chief of Police shall by regulations prescribe or as may be required under state or federal law; (3) the place where sold, leased or transferred; and (4) the make, model, manufacturer's number, caliber or other marks of identification of any such pistol, revolver, or other firearm. Said record shall be available for inspection by any peace officer during normal business hours.

**615. Register of Transfer of Concealable Firearms.** The person to whom any pistol, revolver or other firearm capable of being concealed upon the person is sold, leased or otherwise transferred shall present clear evidence of their identity and shall sign, and the dealer shall require any such person to sign their legal name and affix their residence address and date of birth to the register in quadruplicate.

The sales person shall affix his or her signature to the register in quadruplicate as a witness to the signature and identification of the person to whom such pistol, revolver or other firearm capable of being concealed upon the person is sold, leased or transferred.

**616. Fictitious Names Prohibited – Duplicate Records.** Any person signing a fictitious name or address is guilty of a misdemeanor.

The duplicate sheets of such register shall on the evening of the day of sale, lease or otherwise transfer, be placed in the mail, postage prepaid and properly addressed to the Chief of Police of the City and County of San Francisco.

**617. Exceptions.** Sections 613 to 616 inclusive, of this Article, shall not apply to wholesale dealers in their business intercourse with retail dealers, nor to wholesale or retail dealers in the regular or ordinary transport of unloaded firearms as merchandise to other wholesale or retail dealers by mail, express or other mode of shipment to points outside the City and County of San Francisco.

#### **618. Records of Ammunition Sales.**

##### **(a) Definitions.**

(1) **"Firearm ammunition,"** as used in this Section, shall include any ammunition for use in any pistol or revolver, or semiautomatic rifle or assault weapon, but shall not include ammunition for shotguns that contains shot that is No. 4 or smaller.

(2) **"Semiautomatic rifle,"** as used in this Section, shall mean any repeating rifle which utilizes a portion of the energy of a firing cartridge to extract the fired cartridge case and chamber the next round, and which requires a separate pull of the trigger to fire each cartridge.

(3) **"Assault weapon,"** as used in this Section, shall mean any of the weapons designated in California Penal Code Section 12276, and

(A) A semiautomatic rifle that has an ability to accept a detachable magazine and has at least two of the following characteristics:

- (i) A folding or telescoping stock,
- (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon,
- (iii) A bayonet mount,
- (iv) A flash suppressor or threaded barrel designed to accommodate a flash suppressor, and

(v) A grenade launcher;

(B) A semiautomatic pistol that has an ability to accept a detachable magazine and has at least two of the following characteristics:

- (i) An ammunition magazine that attaches to the pistol outside of the pistol grip,
- (ii) A threaded barrel capable of accepting a barrel extender, flash suppressor, forward handgrip, or silencer,

(iii) A shroud that is attached to, or partially or completely encircles, the barrel and that permits the shooter to hold the firearm with the nontrigger hand without being burned,

(iv) A manufactured weight of 50 ounces or more when the pistol is unloaded, and

(v) A semiautomatic version of an automatic firearm;

(C) A semiautomatic shotgun that has at least two of the following characteristics:

- (i) A folding or telescoping stock,
- (ii) A pistol grip that protrudes conspicuously beneath the action of the weapon,
- (iii) A fixed magazine capacity in excess of five rounds, and
- (iv) An ability to accept a detachable magazine.

(4) **"Vendor,"** as used in this Section, shall mean any person who is engaged in the sale of firearm ammunition, including any retail firearms dealer.

(b) No vendor shall sell or otherwise transfer ownership of any firearm ammunition without at the time of purchase recording the following information on a form to be prescribed by the Chief of Police: (1) the name of the vendor (including the name of the specific individual) transferring ownership to the transferee; (2) the place where the transfer occurred; (3) the date

and time of the transfer; (4) the name, address and date of birth of the transferee; (5) the transferee's driver's license number, or other identification number, and the state in which it was issued; (6) the brand, type and amount of ammunition transferred; and (7) the transferee's signature.

(c) The records required by this Section shall be maintained on the premises of the vendor for a period of not less than two years from the date of the recorded transfer. Said records shall be subject to inspection at any time during normal business hours.

(d) No person shall knowingly make a false entry in, or fail to make a required entry in, or fail to maintain in the required manner records prepared in accordance herewith. No person shall refuse to permit a police department employee to examine any record prepared in accordance with this Section during any inspection conducted pursuant to this Section.

##### **(e) Penalties.**

(1) **First Conviction.** Any person violating any provision of this Section shall be guilty of an infraction. Upon conviction of the infraction, the violator shall be punished by a fine of not less than \$50 nor more than \$100.

(2) **Subsequent Convictions.** In any accusatory pleading charging a violation of this Section, if the defendant has been previously convicted of a violation of this Section, each such previous violation and conviction shall be charged in the accusatory pleading. Any person violating any provision of this Section a second time within a 90-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$300 and not more than \$400 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. Any person violating any provision of this Section, a third time, and each subsequent time, within a 30-day period shall be guilty of a misdemeanor and shall be punished by a fine of not less than \$400 and not more than \$500 for each provision violated, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment. ....

#### **Article 13. Miscellaneous Regulations for Professions and Trades**

**840. Carrying Firearms, Etc. - Regulations Governing.** Any person who in the course of employment or his livelihood carries firearm or any other deadly or dangerous weapons as defined by Section 1291-A, Article 17, Chapter VIII, Part II of the San Francisco Municipal Code, concealed or unconcealed, shall register with the Chief of Police in writing by signed statement, stating the name, occupation, residence and business address of the registrant, his age, height, weight, color of eyes and hair, and reason desired to carry such weapon, and shall submit therewith two sets of fingerprints and one photograph.

**842. Carrying Firearms, Etc. - Penalty for Violation.** Any person who shall violate any of the provisions of Section 840 to 842 of this Article shall be deemed guilty of a misdemeanor and shall be punished by a fine of not exceeding \$500, or by imprisonment in the County Jail for not exceeding six months, or by both such fine and imprisonment.

#### **Article 35. Firearm Strict Liability Act**

##### **3501. Definitions.**

(a) **"Firearm"** shall have the same meaning as in San Francisco Police Code Section 613.1(a).

(b) **"Dealer"** means any person engaged in the business of selling firearms at wholesale or retail and specifically includes pawnbrokers who take or receive firearms as security for the payment or repayment of money.

(c) **"Importer"** means any person engaged in the business of importing or bringing firearms into the United States for sale or distribution.

(d) **"Manufacturer"** means any person in business to manufacture or assemble a firearm or ammunition for sale or distribution.

(e) **"Law enforcement agency"** means a federal, state or local law enforcement agency, state militia or an agency of the United States government.

(f) **"Law enforcement official"** means any officer or agent of an agency defined in paragraph (e) of this section who is authorized to use a firearm in the course of his or her work.

(g) **"Internal personalized safety feature"** means any internal locking device or other mechanical or electrical device integral to the frame of the firearm that prevents any unauthorized use of the firearm. Such mechanical or electrical devices can include but are not limited to devices that use computer microchips, radio signals or user fingerprints as a means to "recognize" an authorized user. A trigger lock or other external device shall not be considered an internal personalized safety feature.

#### **3502. Imposition of Strict Liability.**

(a) Each manufacturer, importer and/or dealer of a firearm shall be held strictly liable in tort, without regard to fault or proof of defect, for all direct and consequential damages arising from bodily injury or death where the bodily injury or death results from the discharge within the jurisdiction of the City and County of San Francisco of any firearm manufactured, imported, distributed, sold, leased or otherwise transferred by the manufacturer, importer and/or dealer, except that no liability shall be imposed pursuant to this subsection for a discharge that occurs prior to the effective date of this section.

#### **(b) Exemptions and Limitations.**

(1) No action may be commenced pursuant to this section by any person who is injured or killed by the discharge of a firearm while such person is committing or attempting to commit a crime (whether or not such crime is actually charged), or while such person is attempting to evade arrest by a law enforcement official. This exemption shall be in the nature of an affirmative defense, and shall be proven by a preponderance of the evidence.

(2) No action may be commenced pursuant to this section by any person injured or killed by the discharge of a firearm by a law enforcement official.

(3) This section shall not limit in scope any cause of action, other than that provided by this section, available to a person injured by or killed by a firearm.

(4) Nothing in this section shall prevent a manufacturer, importer or dealer from seeking whole or partial indemnity or contribution for any liability incurred under this section from any third party wholly or partially responsible for the injury or death.

(5) No action may be commenced pursuant to this section by any person for a self-inflicted injury.

(6) No action may be commenced pursuant to this section where the firearm was equipped with an internal personalized safety feature at that time of its first retail sale.

(7) If any manufacturer, importer or dealer has purchased and has in effect at the time of the injury an insurance policy that covers any and all damages, including but not limited to bodily injury or death, resulting from the discharge of the specific firearm involved in the incident, the liability imposed under this section as to that manufacturer, importer or dealer shall not exceed the total amount of coverage available under said policy provided that the total coverage available under the policy shall not be less than \$100,000 per incident.

(8) No action may be commenced pursuant to this section where the firearm involved is either (a) a shotgun without a magazine or having a fixed magazine of four or less rounds or (b) a rifle without a magazine or having a fixed magazine of four or less rounds.

### **Article 35A. Prohibiting the Sale and Possession of Assault Weapons**

#### **3500A.2. Definitions.**

(a) For the purpose of this section, **"assault weapon"** shall include:

(1) Any semiautomatic action, center-fire rifle or carbine that accepts a detachable magazine with a capacity of six rounds or more, including but not limited to the following firearms or firearms resembling or are copies of the following: AR 15 semiautomatic assault rifles, Uzi semiautomatic assault rifles or carbines, Heckler and Koch 93 semiautomatic assault rifles, Heckler and Koch 91 semiautomatic assault rifles, AK-47 semiautomatic assault rifles, all Avtomat Kalashnikov weapons, M1-A semiautomatic assault rifles, Thompson semiautomatic carbines, M-1 carbine;

(2) Any shotguns with a barrel of less than 18 inches and a folding stock or magazine capacity of more than six rounds;

(3) Any weapon that may be restored to an operable assault weapon, as defined above in Paragraphs (1) and (2); and

(4) Any part, or combination of parts, designed or intended to convert a weapon into an assault weapon, as defined in Subsections (1) and (2), or any combination of parts from which an assault weapon may be readily assembled, if those parts are in the possession or under the control of the same person.

(b) As used in this Section, the term **"semiautomatic"** means a weapon that fires a single projectile for each single pull of the trigger and that employs a magazine.

(c) The term **"assault weapon"** does not include any of the following:

(1) Any of the weapons generally and specifically described in the above Subsections (1) and (2) which is a "machine gun," as defined by provisions of Section 12200 of the Penal Code of the State of California; any pistol, revolver or other firearm which is capable of being concealed upon one's person, as defined by provisions of Section 12001 of the Penal Code and regulated by the provisions of Sections 12021 and 12025 of the Penal Code of the State of California;

(2) Weapons that do not use fixed ammunition, weapons which were manufactured prior to 1898, manually operated bolt-action weapons, lever action weapons, slide action weapons, single-shot weapons, multiple-barrel weapons, revolving cylinder weapons, semiautomatic weapons which use exclusively Mannlicher-style clips, semiautomatic weapons manufactured prior to 1954, rim-fire weapons that employ a tubular magazine;

(3) Any assault weapon which is an antique, or relic firearm or other weapon falling within the specifications of Paragraphs (5), (7) and (8) of Subdivision (b) of Section 12020 of the Penal Code of the State of California;

(4) Any short-barreled rifle or shotgun as defined in Subdivision (c) of Section 12020 of the Penal Code; or

(5) Any assault weapon which has been modified either to render it permanently inoperable or to permanently make it a device no longer defined as an assault weapon.

**3500A.3. Unlawful Conduct - Penalty.** Except as provided herein, no person, including but not limited to wholesale and retail gun dealers, shall sell, offer for sale, transfer, or possess any assault weapon. Any person who sells, offers for sale, transfers, or possesses any assault weapon in the City and County of San Francisco in violation of this Article is guilty of a misdemeanor.

**3500A.4. Confiscation and Destruction of Assault Weapons.** Any assault weapon sold, transferred, or possessed by any person and found to be in violation of the provisions of this Article, shall be ordered confiscated as contraband by the Court and the Police Department shall be directed to destroy the assault weapon so as to render it unsuitable and unrepairable as a firearm.

#### **3500A.6. Exceptions From This Article's Prohibitions.**

(a) Nothing in this Section shall prohibit the acquisition, possession, or disposition of assault weapons by any person as otherwise authorized by state or federal law for use in the discharge of official duties; nor shall any of these provisions prohibit the possession of assault weapons or magazines therefor by lawfully authorized officers, employees, or agents when on duty and the possession of an assault weapon is authorized and within the scope of their duties.

(b) The provisions of this Section shall not apply to the possession of any assault weapon when such possession is prohibited by the provisions of Section 12031 of the California Penal Code or Section 2010 of the California Fish and Game Code.

(c) Notwithstanding the provisions of Paragraph (a) of this Section:

(1) An assault weapon may be maintained in the possession of an entity or establishment engaged in the business of motion picture, television or video production, but only for the purpose of being utilized as a prop during the course of motion picture, television or video production by an authorized agent or employee of the entity or establishment, and only if the entity or establishment properly secures such assault weapon from an authorized source; and

(2) An assault weapon may be possessed by any federal, state or local historical society, museum or institutional collection which is open to the public, provided any such weapon is properly housed, secured from unauthorized handling and is unloaded.

### **Article 45. Firearms and Weapons Violence Prevention Ordinance**

**4500. Title.** This Article shall be known as the Firearms and Weapons Violence Prevention Ordinance.

**4501. Definitions.** The following words and phrases, whenever used in this Article, shall be construed as defined in this Section:

(a) **"Firearm"** means any device, designed to be used as a weapon or modified to be used as

a weapon, that expels a projectile by the force of an explosion or other form of combustion.

(b) **“Projectile weapon”** means any device or instrument used as a weapon which launches or propels a projectile by means other than the force of an explosion or other form of combustion with sufficient force to cause injury to persons or property. A projectile weapon shall include, but not be limited to, air gun, air pistol, air rifle, gas operated gun, BB gun, pellet gun, flare gun, dart gun, bow, cross-bow, slingshot, wrist rocket, blow gun, paint gun, or other similar device or instrument.

#### **4503. Enforcement.**

(a) Except as otherwise provided in this Section, any person violating any provision of this Article shall be guilty of a misdemeanor or an infraction. The complaint charging such violation shall specify whether the violation is a misdemeanor or infraction, which decision shall be that of the District Attorney. If charged as an infraction, upon conviction, the violator shall be punished by a fine of not more than \$100 for each provision violated. If charged as a misdemeanor, upon conviction, the violator shall be punished by a fine of not more than \$500 for each provision violated or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(b) Any person violating any provision of this Article a second or subsequent time within a 10-year period shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 for each violation, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(c) Any person violating any provision of this Article within 1,500 feet of a day care center, school or school yard, whether public or private, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$1,000 for each such violation, or by imprisonment in the County Jail for a period of not more than six months, or by both such fine and imprisonment.

(d) A person shall be guilty of a separate offense for each and every discharge of a firearm or firing of a projectile weapon, and shall be punished accordingly.

(e) Juveniles arrested pursuant to this Section shall be subject to Section 602 of the Welfare and Institutions Code.

**4504. Parental Responsibility for Minors.** Any parent or legal guardian, or a person over the age of 18, is also guilty of an offense punishable in accordance with Section 4503 if he or she knows or reasonably should know that a minor is likely to gain access to a firearm or a projectile weapon kept within any premises or vehicle which is under his or her custody or control, and a minor obtains and fires or discharges the firearm or projectile weapon within the City and County of San Francisco, in violation of Section 4502.

**4505. Firearms and Projectile Weapons; Confiscation and Disposal of.** Any firearm or projectile weapon discharged within the City and County of San Francisco in violation of the provisions of Section 4502 is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco. The Chief of Police, except upon the certificate of a judge of a court of record, or of the District Attorney that the preservation thereof is necessary or proper to the ends of justice, shall destroy or cause to be destroyed such firearms and projectile weapons, provided, however, that in the event any such firearm or projectile weapon is determined to have been stolen, the same shall not be destroyed but shall be

returned to the lawful owner as soon as its use as evidence has been served, upon identification of the firearm or projectile weapon and proof of ownership thereof.

#### **4506. Firearms And Projectile Weapons; Exceptions. ...**

(b) Use of firearms and projectile weapons may be permissible when integral to the pursuit of specific competitive and sporting events, including but not limited to events such as target and skeet shooting, upon issuance of a permit from the Chief of Police to persons conducting the event or engaged in the business of providing the location at which the event is to take place. The Chief of Police shall formulate criteria for the application, issuance, and renewal of such permits, and may require as a condition of approval the posting of any bond, or proof of adequate liability insurance.

#### **4507. Firearms and Projectile Weapons; Possession of by Minors.**

(a) It shall be unlawful for any person under the age of 18 to have in his or her possession within the City and County of San Francisco any firearm or projectile weapon, as defined in Section 4501. Violation of this provision shall be punishable in the manner provided in Section 4503.

(b) It shall be unlawful for any parent or legal guardian, or any person over the age of 18 years, to sell, give or otherwise transfer to any minor in the City and County of San Francisco under the age of 18 years, or to allow such minor to possess, any firearm or projectile weapon, as defined in Section 4501. Violation of this provision shall be punishable in the manner provided in Section 4503.

(c) Any firearm or projectile weapon, which is in possession of a minor in violation of this Article, is hereby declared to be a nuisance, and shall be surrendered to the Police Department of the City and County of San Francisco and disposed of in accordance with the provisions of Section 4505 above.

[San Francisco Municipal Code current through Ord. 221-01, approved Nov. 9, 2001]

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### **San José Municipal Code**

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#### **Title 10. Public Peace, Morals and Welfare Chapter 10.32. Weapons Part 2. Weapons and Minors**

**10.32.020. Restrictions on weapons for per-sons under the age of eighteen years.** No per-son shall sell, dispose of or give to any minor under the age of eighteen years, any pistol, air-gun or other weapon capable of receiving and discharging any charge, cartridge or explosive, without the written request of his parent or guardian; and no minor under the age of eight-teen years shall have in his possession any such pistol or weapon unless by the written con-sent of his parent or guardian.

#### **Part 3. Concealable Firearms Dealers**

**10.32.030. License required.** No person shall engage in the business of selling or transferring, or shall advertise for sale, or offer or expose for sale, any pistol, revolver or other firearm cap-able of being concealed upon a person without first obtaining and keeping in current effect the requisite license as provided under this part. A license shall be required for

each location where selling or transferring of such firearms takes place.

**10.32.040. Application for license.** Each person applying for a license under this part shall submit an application and a questionnaire response in support of such application to the chief of police. Such application shall be accompanied by a fee (in the form of a check or cash) as set forth in the schedule of fees established by resolution of council, said fee to defray the cost of processing such application. This fee shall be in addition to fees for processing non-criminal fingerprint cards. Each application shall specify only one location where the sale or transfer of concealable firearms should take place. If a licensee changes his or her place or business, an application for the new location shall be submitted, accompanied by a fee (in the form of a check or cash) as set forth in the schedule of fees established by resolution of council, said fee to defray the cost of processing such application. Such application shall be considered an initial application and not an application for renewal.

**10.32.050. Approval by chief of police.** The chief of police shall have the authority to approve or not approve applications under this part. For the purposes of considering applications for licenses under this part, the chief of police shall apply the minimum written standards hereinbelow set forth in Section 10.32.060. If an applicant meets all such standards, the chief of police shall issue a license.

**10.32.060 Procedural requirements.** Applicant must comply with the following requirements:

- A. Possess valid and current federal firearms permit;
- B. Pay permit fee to police department;
- C. Pay fingerprinting fee to police department;
- D. Complete personal history questionnaire on form provided by the San Jose police department;
- E. Be fingerprinted at police department;
- F. Be photographed at police department;
- G. Be interviewed at police department by officer assigned to concealable firearms unit;
- H. Sign authorization for release of pertinent records.

**10.32.067. Maintenance and submission of records.** Each licensed dealer shall maintain records of importation, shipment, receipt, sale or other disposition of firearms and ammunition, and shall make such records available at all reasonable times, and shall submit to the licensing authority such reports and information upon reasonable request. The licensing authority may enter during business hours the premises (including places of storage) of any firearms or ammunition dealer for the purpose of inspecting or examining (1) any records or documents required to be kept; (2) any firearms or ammunition kept or stored at such premises.

**10.32.100. Licenses nonassignable.** Except as otherwise hereinafter provided, no license issued under this part may be sold, transferred or assigned by the licensee or by operation of law, to any other person or persons; and any such sale, transfer or assignment, or attempted sale, transfer or assignment, be deemed to constitute a voluntary surrender of such license and such license shall thereafter be deemed terminated and void.

**10.32.110. Display of license.** Every license issued under this part shall be displayed on the premises where the concealable firearms are sold in such a fashion that it can be easily read by patrons.



### **10.32.112. Prohibition on the sale of Saturday night specials and junk guns.**

A. The licensee shall strictly comply with the requirements of Chapter 10.33 of this title.

B. Any failure to so comply shall be grounds for revocation of the license.

### **10.32.115. Trigger lock and safety notice requirements.**

A. No licensee shall sell, give, lend, or transfer ownership of any firearm, capable of being concealed upon a person, without first equipping the firearm with a trigger lock or similar locking mechanism, that is designed to prevent the unintentional discharge of the firearm; and

B. No licensee shall sell, give, lend, or transfer ownership of any firearm capable of being concealed upon a person without providing to the person to whom the gun is transferred printed material, either provided or approved by the chief of police, that advises the user on safe storage practices.

C. Any failure to strictly comply with the requirements of this section shall be grounds for revocation of the license.

## **Chapter 10.33 Saturday Night Special/Junk Gun Sale Ban**

### **10.33.010. Sale of certain guns prohibited.**

A. No concealable firearms dealer required to be licensed by the city in Part 3 of Chapter 10.32 of this Code shall sell, offer or display for sale, give, lend or transfer ownership of any firearm listed on the roster of Saturday night specials.

B. This section shall not preclude a concealable firearms dealer from processing firearm transactions between unlicensed parties pursuant to Section 12072(d) of the Penal Code of the state of California.

### **10.33.020. Exemptions.**

A. Nothing in this chapter shall prohibit the disposition of any firearm by sheriffs, constables, marshals, police officers, or other duly appointed peace officers in the performance of their official duties.

B. Nothing in this chapter shall prohibit the disposition of any firearm by persons who are authorized by the United States Government to use firearms in the performance of their official duties.

**10.33.030. Definition of Saturday night special.** Except as provided in Section 10.33.040, for purposes of this chapter, the term "Saturday night special" or "junk gun" shall mean each of the following:

A. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which contains a frame, barrel, breechblock, cylinder or slide that is not completely fabricated of heat treated carbon steel, forged alloy or other material of equal or higher tensile strength.

B. A semi-automatic pistol which:

1. Is not originally equipped by the manufacturer with a locked-breech action; and

2. Is chambered for cartridges developing maximum permissible breech pressures above 24,100 copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute.

3. For purposes of this section, "semi-automatic pistol" means a firearm, as defined in California Penal Code Section 12001(b), which is designed to be held and fired with one hand, and which does the following upon discharge:

- a. Fires the cartridge in the chamber; and
- b. Ejects the fired cartridge case; and

c. Loads a cartridge from the magazine into the chamber.

4. For purposes of this section, "semi-automatic pistol" shall not include any assault weapons designated in California Penal Code Section 12276.

C. A pistol, revolver, or firearm capable of being concealed upon the person, as those terms are defined in California Penal Code Section 12001(a), which:

1. Uses an action mechanism which is substantially identical in design to any action mechanism manufactured in or before 1898 that was originally chambered for rimfire ammunition developing maximum safe permissible breech pressure below 19,000 copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

2. Is chambered to fire either centerfire ammunition or rimfire ammunition developing maximum permissible breech pressures above 19,000 copper units of pressure as standardized by the Sporting Arms and Ammunition Manufacturers Institute; and

3. Is not originally equipped by the manufacturer with a nondetachable trigger guard; or

4. If rimfire, is equipped with a barrel of less than twenty bore diameters in overall length protruding from the frame.

D. For purposes of subsection C., above, "action mechanism" means the mechanism of a firearm by which it is loaded, locked, fired and unloaded, commonly known as the cycle of operation.

**10.33.040. Exclusions from coverage.** The term "Saturday night special" does not include any of the following:

A. Any pistol which is an antique or relic firearm or other weapon falling within the specifications of paragraphs (5), (7) and (8) of subsection (b) of California Penal Code Section 12020; or

B. Any pistol for which the propelling force is classified as pneumatic, that is, of, or related to, compressed air or any other gases not directly produced by combustion; or

C. Children's pop guns or toys; or

D. An "unconventional pistol" as defined in California Penal Code Section 12020(c)(12); or

E. Any pistol which has been modified to render it permanently inoperable.

### **10.33.050. Roster of Saturday night specials.**

A. The chief of police shall issue a roster of Saturday night specials.

B. The roster shall list those firearms, by manufacturer and model number, which the chief of police determines fit the definition of Saturday night special or junk gun.

### **10.33.090. Issuance of the roster.**

A. When all reconsideration of the initial notice of proposed roster is completed and all determinations have been made by the chief of police pursuant to Section 10.33.080, the chief of police shall issue the roster listing those firearms which have been determined to constitute a Saturday night special or junk gun.

B. Notice of the issuance of the roster shall be given in the following manner:

1. The roster issued by the chief of police shall be published at least once in a newspaper of general circulation in the city.

2. A copy of the roster shall be filed in the office of the city clerk.

3. A copy of the roster shall be distributed to every dealer within the city who is licensed to sell and transfer firearms pursuant to Section 12071 of the Penal Code of the State of California and Part 3 of Chapter 10.32 of this Code.

[San José Municipal Code current through Ord. 26253, adopted Dec. 19, 2000]

## **Santa Ana Municipal Code**

## **Chapter 10. Crimes and Miscellaneous Law Enforcement Provisions**

### **Article II. Minors**

### **10-176. Possession of firearms or ammunition by a minor.**

(a) No minor shall possess any firearm or ammunition in a public place.

(b) No person shall sell, exchange, give or loan, or cause or permit to be sold, exchanged, given or loaned, any firearm or ammunition to any person under the age of eighteen (18) years.

(c) For the purpose of this section, the term "firearm" means any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive.

(d) For the purpose of this section, the term ammunition means any unexpended cartridge or shell, consisting of a case which holds a charge of powder and a bullet or shot, or any device containing any explosive designed and intended for use in any firearm, or any device containing any explosive.

(e) Nothing in this section shall prohibit the possession of any firearm by a minor at a bona fide firing range or in an automobile vehicle while enroute to or from hunting any game animal that may be legally hunted under the provisions of the Fish and Game Code, provided said minor has the written permission of his parent or guardian to have such firearm or is accompanied by his parent or guardian while he has such firearm in his possession.

## **Article IX. Licensing of Firearms Sales**

### **10-500. Purpose and scope.**

(a) The purposes of this article are as follows:

(1) To implement Article 4 (commencing with section 12070) of Title 2 of Part 4 of the Penal Code of the State of California.

(2) To provide procedures for the grant or denial of licenses for the sale, lease, or transfer of firearms and the suspension or revocation of the same.

(3) To regulate the sale, lease or transfer of firearms as necessary and appropriate for the protection of the public health, safety and welfare.

(b) This article applies to all sales, leases and transfers of firearms for which a license is required by Section 12070 of the Penal Code of the State of California.

**10-501. Definitions.** As used in this article the following terms shall have the following meanings:

**Chief of police** means the chief of police of the City of Santa Ana and any employee within the Santa Ana Police Department who is designated by the chief of police to act as his representative in the implementation of this article.

**Penal Code** means the Penal Code of the State of California, as it may from time to time be amended.

**License and licensee** mean the license required by Section 12070 of the Penal Code of the State of California and the person holding such a license, unless the context shows that a different type of license is meant.

Other terms used in this article shall have the same meanings as set forth in the Penal Code.

**10-502. Chief of police as licensing authority.** The chief of police is the duly authorized licensing authority for licenses granted pursuant to Sections 12070 and 12071 of the Penal Code.

**10-503. Fixed place of business required.** Each licensee must have a fixed place of business and possess all permits, licenses, certificates, variances or other instruments of approval or evidences that any conditions exist for the sale of firearms as required by any other section of this Code or by any statute or code provisions of the state. Except as may otherwise be provided by the Penal Code, all sales of firearms may only be made at said fixed location.

**10-504. Branch establishments; multiple places of business; separate licenses required.** A separate firearm seller's license fee must be paid and a separate firearm seller's license obtained for each branch establishment of the business transacted and carried on within the city.

**10-505. Overlapping business.** If in addition to the business of selling firearms any person shall engage in, conduct, manage, or carry on at the same time and on the same premises any other business requiring any permit, license, certificate, variance or other instrument of approval or evidence that any conditions exist as required by any other section of this Code or by statute or code provisions of the state, such person shall comply with all of the provisions affecting each business.

**10-506. Licensee responsible for the conduct of the business.** It shall be the duty of the licensee to see that no firearms are sold or offered for sale in violation of this article or the Penal Code.

**10-507. Retention and maintenance of sales information and sales records; inspection.**

(a) All firearm and ammunition sales information and sales records shall be retained for a period of three (3) years and shall be maintained and stored within the licensed location during normal business hours. All such records shall be maintained in an orderly manner, consistent with federal, state and local laws and shall be located so that all records are immediately and readily accessible for inspection in a specific space allocated for record retention.

(b) All sales information and records relating to sales of firearms and/or ammunition shall be made available to any police officer or other duly authorized representative of the chief of police upon request. Stock in trade shall likewise be made available for inspection as appropriate to allow for comparison of such stock with business records. No licensee shall attempt to dissuade or impair said officers' or duly authorized representative's inspection.

**10-508. Evidence of doing business as a seller of firearms.** When any person shall by the use of signs, circulars, cards, telephone books, newspapers, or trade publications, advertise, holdout, or represent that he or she is a seller of firearms, or when any person holds an active license, certificate, or permit issued by a governmental agency indicating that he or she is a seller of firearms within the city and such person fails to deny in a sworn statement given to the chief of police that he or she is not a seller of firearms within the city, after being requested to do so by the chief of police, then these facts shall be considered prima facie evidence that such person is a seller of firearms within the city.

**10-509. Rules and regulations.** The chief of police shall adopt and enforce, by rules and regulations, security requirements for the protection from theft of firearms and ammunition sold and

maintained by the licensee. Such rules may require that licensee provide burglar alarm systems, separate storage areas for ammunition and other measures designed to prevent the theft of such merchandise from the premises of licensee. The chief of police shall also have the power to adopt other rules and regulations not inconsistent with the provisions of this article as may be necessary or desirable to aid in the enforcement of the provisions of this article.

**10-511. Application for license.**

(a) An application for a license shall be filed with the chief of police on forms furnished by the chief of police. Such application shall be accompanied by a fee in an amount established by resolution of the city council, and shall contain the following information: ...

(b) The application submitted shall be accompanied by copies of the following licenses, permits, and certificates:

(1) A valid federal firearms license issued in the name of applicant.

(2) A valid seller's permit issued by the State Board of Equalization in the name of applicant issued for the city.

(3) A valid certificate of eligibility issued by the California Department of Justice.

(4) A valid city business license issued for the retail sale of firearms.

(5) A statement of zoning code compliance in accordance with subsection (c) of this section. ....

**10-519. Use of license by unlicensed person.** No person holding a license required by this article shall permit any other person to use the license, the licensed premises or the licensee's name for the purpose of evading any provision of this article.

**10-520. Duplicates.** A duplicate license may be issued to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing a statement of such fact, and, at the time of filing such statement, paying a duplicate license fee equal to ten (10) percent of the original fee for the firearm seller's license.

**10-521. Posting.** Every licensee shall keep the license prominently posted in a conspicuous and public place upon the premises specified in the license where such business is carried on. All other federal, state, and city licenses, certificates, and permits relative to conducting the business of firearm sales shall likewise be posted together with the firearm seller's license.

**10-522. Prohibition of display of suspended or revoked license.** No person shall reproduce, duplicate, copy or alter an original firearm seller's license for the purpose of circumventing the requirement of this section by giving a false or misleading impression that any duplication of an original license is valid and that the appropriate fee therefor has been paid; neither shall any person exhibit a suspended or revoked license.

**10-523. Transferability.**

(a) Licenses shall not be transferable except as provided in this section.

(b) When a business for which a license has been issued is sold or transferred to one (1) of the transferees listed in this section, the chief of police may endorse a change of ownership on such license upon written application by the transferee. Only the following transferees or successors shall be entitled to such transfer of permit.

(1) Duly qualified representatives of licensees regularly appointed by courts of competent jurisdiction, assignees for the benefit of creditors, and spouses or children of deceased licensees;

(2) The surviving partner or partners of a dissolved partnership;

(3) A new partnership consisting of the members of a predecessor partnership, plus their spouse or spouses of any such members;

(4) A new corporation organized and controlled by an individual or unincorporated licensee for the purpose of acquiring, and which has acquired the assets of the business previously owned and operated by such licensee;

(5) Upon dissolution of a closely held corporation, the stockholders to whom the assets are distributed.

(c) A transferee or successor entitled to a transfer of a license must file an application for such transfer with the chief of police within thirty (30) days after he assumes [ownership or control] of the business. The chief of police may require such evidence of the transfer of ownership or control as he deems necessary. A fee equal to twenty (20) percent of the original fee for the license shall accompany the application.

(d) The chief of police shall transfer the license to an applicant entitled to such transfer unless he finds that the transfer will adversely affect the peace, health, safety, and general welfare of the public or that the transferee does not possess the qualifications required of original applicants.

**10-524. Change of location.** Where no conflict exists with the city's zoning regulations, as evidenced by a new statement of zoning code compliance pursuant to subsection 10-511(c), a change of location may be endorsed on a firearm seller's license by the chief of police upon written application by a licensee, accompanied by a change of location fee equal to twenty (20) percent of the original fee for the firearm seller's license shall accompany the application.

**10-525. No refund upon termination of business.** The license fee paid under the terms of this article is not refundable upon termination of a business or for any unused portion or term of a license period.

**10-526. Right of entry.** The chief of police or any police officer shall have the power and authority to enter the premises of any business engaging in firearms sales, leases or transfers for which a license is required during business hours, free of any charge, and at such other times as may be reasonable following due process of law, and request a display of the required license together with any other federal, state, and city licenses, certificates, and permits relative to conducting the business of firearm sales. No person having custody or control of such place of business shall fail to comply with any such request.

**10-527. Penalty for violation.** Every violation of the provisions of this article shall be deemed to be a misdemeanor, and upon conviction thereof shall be punishable as provided for in section 1-8 of this Code. Each day any violation of any said provision of this article shall constitute a separate offense.

[Current through Santa Ana Ord. No. 2473, enacted June 18, 2001]

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**Stockton Municipal Code**

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**Chapter 4. Public Safety Code  
Part II. Firearms and Fireworks  
Division 3. Sale of Firearms and Ammunition to Minors**

**4-044. Sale of Firearms and/or Ammunition to Minors.** It shall be unlawful, in the City of Stockton, to sell firearms and/or ammunition of any kind to minors under the age of fourteen (14) years, unless accompanied by parent or guardian.

#### **Division 4. License to Sell Firearms**

**4-045. Sale of Concealed Firearms.** It shall be unlawful to sell pistols, revolvers, or other firearms capable of being concealed upon the person, at retail, within the City of Stockton, without a license issued in the manner herein provided for.

**4-046. License to Sell.** The City Manager is hereby authorized to issue licenses to sell, at retail, within the City of Stockton, pistols, revolvers, and other firearms capable of being concealed upon the person. Such licenses shall be issued in the form prescribed by the Attorney General and shall be effective for not more than one (1) year from date of issue.

**4-046.1. License - Chief of Police to Approve.** The said licenses shall be issued only after a report in writing concerning said prospective licensee has been made by the Chief of Police to the City Manager. Said licenses shall not be issued to any person who

(a) has been convicted of a felony and has served a term of imprisonment therefor in a State or Federal prison.

(b) has been convicted of any violation of the Dangerous Weapons Control Law of the State of California, or

(c) is not of good moral character.

**4-046.2. License - Revocation.** Any of the reasons which would prevent the original issuance of said license shall also make the revocation of said license mandatory by the City Manager.

[Current through Stockton Ord. 023-01 C.S. adopted Sept. 4, 2001]

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## **COLORADO**

### **COLO. REV. STAT.**

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#### **Title 12. Professions and Occupations**

##### **Article 26. Firearms - Dealers**

**12-26-101. Definitions.** As used in this article, unless the context otherwise requires:

(1)(a) **"Firearms"** means a pistol, revolver, or other weapon of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches.

(b) **"Firearms"** does not include firearms, as defined in paragraph (a) of this subsection (1), for which ammunition is not sold or which there is reasonable ground for believing are not capable of being effectually used.

**12-26-102. Retail dealers - record - inspection.** Every individual, firm, or corporation engaged, within this state, in the retail sale, rental, or exchange of firearms, pistols, or revolvers shall keep a record of each pistol or revolver sold, rented, or exchanged at retail. The record shall be made at the time of the transaction in a book kept for that purpose and shall include the name of the person to whom the pistol or revolver is sold or rented or with whom exchanged; his age, occupation, residence, and, if residing in a city, the street and number therein where he resides; the make, caliber, and finish of said pistol or revolver, together with its number and serial letter, if any; the date of the sale, rental, or exchange of said pistol or revolver; and the name of the employee or other person making such sale, rental, or exchange. The record book shall be open at all times to the inspection of any duly authorized police officer.

**12-26-103. Record - failure to make - penalty.** Every individual, firm, or corporation who fails to keep the record provided for in section 12-26-102 or who refuses to exhibit such record when requested by a police officer and any purchaser, lessee, or exchanger of a pistol or revolver who, in connection with the making of such record, gives false information is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

##### **Article 26.1. Background Checks - Gun Shows**

##### **12-26.1-101. Background checks at gun shows - penalty.**

(1) Before a gun show vendor transfers or attempts to transfer a firearm at a gun show, he or she shall:

(a) require that a background check, in accordance with section 24-33.5-424, C.R.S., be conducted of the prospective transferee; and

(b) obtain approval of a transfer from the Colorado Bureau of Investigation after a background check has been requested by a licensed gun dealer, in accordance with section 24-33.5-424, C.R.S.

(2) A gun show promoter shall arrange for the services of one or more licensed gun dealers on the premises of the gun show to obtain the background checks required by this article.

(3) If any part of a firearm transaction takes place at a gun show, no firearm shall be transferred unless a background check has been obtained by a licensed gun dealer.

(4) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

##### **12-26.1-102. Records - penalty.**

(1) A licensed gun dealer who obtains a background check on a prospective transferee shall record the transfer, as provided in section 12-26-102, C.R.S., and retain the records, as provided in section 12-26-103, C.R.S., in the same manner as when conducting a sale, rental, or exchange at retail.

(2) Any individual who gives false information in connection with the making of such records commits a Class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

**12-26.1-103. Fees imposed by licensed gun dealers.** For each background check conducted at a gun show, a licensed gun dealer may charge a fee not to exceed ten dollars.

##### **12-26.1-104. Posted notice - penalty.**

(1) A gun show promoter shall post prominently a notice, in a form to be prescribed by the executive director of the department of public safety or his or her designee, setting forth the requirement for a background check as provided in this article.

(2) Any person violating the provisions of this section commits a Class 1 misdemeanor and shall be punished as provided in section 18-1-106, C.R.S.

**12-26.1-105. Exemption.** The provisions of this article shall not apply to the transfer of an antique firearm, as defined in 18 U.S.C. sec.

921(a)(16), as amended, or a curio or relic, as defined in 27 C.F.R. sec. 178.11, as amended.

**12-26.1-106. Definitions.** As used in this article, unless the context otherwise requires:

(1) **"Collection"** means a trade, barter, or in-kind exchange for one or more firearms.

(2) **"Firearm"** means any handgun, automatic, revolver, pistol, rifle, shotgun, or other instrument or device capable or intended to be capable of discharging bullets, cartridges, or other explosive charges.

(3) **"Gun show"** means the entire premises provided for an event or function, including but not limited to parking areas for the event or function, that is sponsored to facilitate, in whole or in part, the purchase, sale, offer for sale, or collection of firearms at which:

(a) twenty-five or more firearms are offered or exhibited for sale, transfer, or exchange; or

(b) not less than three gun show vendors exhibit, sell, offer for sale, transfer, or exchange firearms.

(4) **"Gun show promoter"** means a person who organizes or operates a gun show.

(5) **"Gun show vendor"** means any person who exhibits, sells, offers for sale, transfers, or exchanges, any firearm at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

(6) **"Licensed gun dealer"** means any person who is a licensed importer, licensed manufacturer, or dealer licensed pursuant to 18 U.S.C. sec. 923, as amended, as a federally licensed firearms dealer.

##### **Article 27. Firearms - Purchase in Contiguous State**

##### **12-27-101. Legislative declaration - non-resident.**

(1) It is declared by the general assembly that it is lawful for a licensed importer, licensed manufacturer, licensed dealer, or a licensed collector (licensed under the federal "Gun Control Act of 1968") whose place of business is in this state to sell or deliver a rifle or shotgun to a resident of a state contiguous to this state, subject to the following restrictions and requirements:

(a) The purchaser's state of residence must permit such sale or delivery by law.

(b) The sale must fully comply with the legal conditions of sale in both such contiguous states.

(c) The purchaser and the licensee must have complied, prior to the sale or delivery for sale of